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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91232774
Party	Plaintiff Garan Incorporated, Garan Services Corp.
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

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	:	
GARAN, INCORPORATED and GARAN	:	
SERVICES CORP.	:	
Opposers,	:	Opposition No. 91232774
	:	
v.	:	Application Serial No. 85511299
	:	
MANIMAL, LLC	:	
	:	
Applicant.	x	

**OPPOSER’S NOTICE OF FILING TESTIMONY DEPOSITION OF JERALD KAMIEL
AND EXHIBITS**

PLEASE TAKE NOTICE that pursuant to 37 CFR § 2.125(c), Opposer filed a PDF copy of the original certified transcript of the testimony deposition of Jerald Kamiel¹, together with copies of the documentary exhibits, with the Trademark Trial and Appeal Board via ESTTA.

Respectfully submitted,

Dated: January 23, 2019

EPSTEIN DRANGEL LLP

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¹ As parts of the testimony are Confidential, the testimony has been redacted and the full version is being submitted separately using the “CONFIDENTIAL” selection available in ESTTA.

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CERTIFICATE OF SERVICE

I hereby certify that a true and complete copy of the OPPOSER'S TESTIMONY DEPOSITION OF JERALD KAMIEL AND EXHIBITS was served via e-mail on this 23rd day of January 2019, upon Applicant's Attorney:

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*GARAN, INCORPORATED and GARAN SERVICES CORP. vs.
MANIMAL, LLC*

*JERALD KAMIEL
December 7, 2018*



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Maple - Script - with Word Index

1 UNITED STATES PATENT AND TRADEMARK OFFICE
2 BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

3 -----x
4 In the matter of Trademark Application for
5 MANIMAL, Ser. No. 85511299, in the name of
6 Manimal, LLC

7 -----x
8 GARAN, INCORPORATED and GARAN SERVICES CORP.,

9 Opposers,

10 -against-

11 MANIMAL, LLC,

12 Applicant.

13 Opposition No.: 91232774

14 -----x

15 60 East 42nd Street
16 New York, New York

17 December 7, 2018
18 9:56 a.m.

19

20 TESTIMONY DEPOSITION of JERALD KAMIEL,
21 before Melissa Gilmore, a Shorthand Reporter
22 and Notary Public of the State of New York.

23

24

25

26

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12 (EXHIBITS TO BE PRODUCED)

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S T I P U L A T I O N S

IT IS FURTHER STIPULATED AND
AGREED that all objections, except as to the
form of the question, shall be reserved to
the time of the trial.

IT IS FURTHER STIPULATED AND
AGREED that the within deposition may be
sworn to and signed before any officer
authorized to administer an oath, with the
same force and effect as if signed to before
the Court.

- oOo -

1 J E R A L D K A M I E L, called as a
2 witness, having been duly sworn by a
3 Notary Public, was examined and testified
4 as follows:

5

6 EXAMINATION BY

7 MR. EPSTEIN:

8 Q. Mr. Kamiel, would you for the record
9 state your full name and residence address,
10 please?

11 A. My name is Jerald Kamiel.
12 J-E-R-A-L-D, K-A-M-I-E-L, 32 Graham Street,
13 G-R-A-H-A-M, in Alpine, A-L-P-I-N-E, New Jersey
14 07620.

15 Q. Thank you.

16 A. We have a post office box as well.

17 Q. Okay.

18 A. And the post office box is 576.

19 Q. Could you give us a brief summary of
20 your educational history, please?

21 A. Yes, I graduated high school. I
22 went to two colleges, did not finish, back in
23 the very early '60s.

24 Q. And after you left college, did you
25 become employed?

1 KAMIEL

2 A. Yes.

3 Q. And could you just briefly tell us
4 where you were employed and what you did?

5 A. When I left college, I took my
6 father's job who suddenly passed away. He was
7 a salesman selling men's slacks, and his
8 territory was New Jersey, Brooklyn and Staten
9 Island. I did that for approximately two
10 years.

11 Left that company, went to a company
12 called Colonial Corporation of America, which
13 subsequently became a subsidiary of a company
14 called Kayser-Roth. Worked there three years.
15 Left and joined Garan in 1968.

16 Q. And when you joined Garan in 1968,
17 what were your responsibilities and what was
18 your title at that time?

19 A. My title was a salesman, and my
20 responsibilities were to take the products the
21 company manufactured and sell them to different
22 retailers in the hopes of building their volume
23 and distribution.

24 Q. And over time during your employment
25 by Garan, did your responsibilities and title

1 KAMIEL

2 change?

3 A. Yes, about two years after I joined
4 the company, I was made a divisional sales
5 manager. Two years after that I was made a
6 divisional vice president, and I have had a
7 series of promotions and job responsibilities.
8 And in 1981 was made president and chief
9 operating officer of the company.

10 Q. And is that your present title?

11 A. Yes.

12 Q. And could you give us a little
13 information about what your responsibilities
14 are currently?

15 A. My responsibilities, I really am
16 charged with running the company. All of the
17 manufacturing, all of the product development,
18 which is the creativity, to the finalization of
19 the finished product. I'm responsible for all
20 the sales. Responsible for all of the
21 shipping, the warehousing, and I also have the
22 financial responsibilities.

23 So I am the one who drives the
24 companies.

25 Q. When you talk about the company, are

1 KAMIEL

2 you talking about Garan, Incorporated?

3 A. Yes.

4 Q. Are you familiar with Garan Services
5 Corporation?

6 A. Yes.

7 Q. Could you tell us what the
8 relationship between those two companies is?

9 A. Garan Services Corporation is a
10 wholly-owned subsidiary of Garan, Incorporated.

11 Q. Just for clarification, during the
12 deposition today when we refer to Garan, I will
13 be referring to both Garan, Incorporated and
14 Garan Services Corporation collectively.

15 Could you explain a little bit about
16 what the business of Garan is?

17 A. Garan is a manufacturer of
18 children's -- primarily children's clothes,
19 playwear, tops and bottoms primarily.
20 Children's being from newborn through high
21 school, boy and girl.

22 Q. And are you familiar with the
23 trademark Garanimals?

24 A. Yes.

25 Q. Generally, what types of clothing

1 KAMIEL

2 does Garan sell under the trademark Garanimals?

3 MR. WEINBERGER: Objection, form.

4 Q. Okay. Let me rephrase it.

5 Why don't you tell us about
6 Garanimals?

7 A. Garanimals was created in 1972. At
8 that time the children's wear business was in a
9 very primitive state and treated as a stepchild
10 among all the different retailers. Many times
11 shirts were 30 or 40 feet displayed away from
12 bottoms, and the colorations on shirts and
13 bottoms were totally different.

14 It was very difficult for the
15 consumer to put together outfits that matched,
16 and it was a also difficult shopping
17 experience. And the stores basically sold
18 individual items, almost one at a time.

19 When Garanimals was created and
20 conceived, the concept was to colorize the tops
21 and bottoms so they matched, have them
22 displayed together, so stores could get
23 multiple sales, so consumers had an ease of
24 shopping, and also that children would be able
25 to be taught how to put together outfits and

1 KAMIEL

2 dress themselves in the morning easily.

3 Q. Can you elaborate a little more
4 about the product line?

5 A. Yes, the product line is newborn
6 through preschool, size ten, boy/girl, and it's
7 primarily knitted tops and bottoms, but there
8 are also jackets. There are woven bottoms.
9 There is skirts. There is all the kinds of
10 clothing that kids wear every day.

11 Q. And is what you're describing, was
12 that the product line throughout history from
13 beginning of Garanimals to present?

14 A. In the beginning, it was primarily
15 the tops and woven and knit bottoms, but
16 subsequently, as the business has grown,
17 additional products have been added.

18 Q. And what types of customers are the
19 Garanimals products sold to?

20 A. If you're asking me about who we
21 sell Garanimals to today?

22 Q. No, retail. What type of retail
23 customers are buying Garanimals?

24 A. Generally, the retail customers that
25 buy Garanimals are the mass merchants and also

1 KAMIEL

2 dot-com.

3 Q. Okay. But I'm not being clear, I
4 guess.

5 I'm talking about the ultimate
6 consumer that buys Garanimals.

7 A. The consumers that buy Garanimals
8 are either parents or grandparents of the
9 children that they are trying to dress.

10 Q. And tell us, please, a little bit
11 about the distribution of the Garanimals
12 products.

13 A. From the beginning?

14 Q. Yeah. Give us a brief history of
15 how that developed.

16 A. Okay. When Garanimals was
17 developed, it was offered and sold to, at the
18 time, many regional discount chains along with
19 many budget department stores. Through the
20 years there has been a consolidation at retail
21 of those kind of stores, and eventually most of
22 them were either acquired by other retailers or
23 went out of business.

24 Q. And presently, what are the channels
25 of distribution?

1 KAMIEL

2 A. Today the channels of distribution
3 for Garanimals is Walmart and Walmart's dot-com
4 business -- Walmart's retail stores and
5 Walmart's dot-com.

6 Q. Are the Garanimals products sold at
7 all of the Walmart stores?

8 A. Yes.

9 Q. Do you know how many Walmart stores
10 there are?

11 A. In the United States there are
12 approximately 4,000 Walmart stores.

13 Q. And in terms of location, are those
14 4,000 stores located in all -- all of the
15 states of the United States?

16 A. Yes.

17 Q. What about outside the United
18 States?

19 A. We do not sell Garanimals today
20 outside of the United States.

21 Q. When you say you do not, do you mean
22 Walmart?

23 A. Yes.

24 Q. Would you consider the Garanimals
25 trademark to be a famous trademark in

1 KAMIEL

2 children's clothing?

3 A. Yes.

4 Q. Would you consider it to be the most
5 famous trademark in the clothing area?

6 A. I would consider it to be one of the
7 most famous.

8 Q. Could you tell us who you think is
9 more famous?

10 A. I would tell you who I think is also
11 famous.

12 Q. Okay.

13 A. And that would be Carter's.

14 Q. I see. And in terms of
15 distribution, how many stores does Carter's
16 have versus Walmart?

17 MR. WEINBERGER: Objection, form.

18 A. To my recollection, Carter's has
19 approximately 5 to 600 of their own stores as
20 opposed to Walmart 4,000 stores in the United
21 States.

22 Q. What's the source of your knowledge
23 about Carter's?

24 A. Carter's is a public company, and as
25 a competitor, we have researched what they

1 KAMIEL

2 publish in the different filings they have to
3 make.

4 Q. Has Garan continuously shipped
5 Garanimals products since the Garanimals
6 inception in the 1970s?

7 A. Yes.

8 Q. And throughout those years, have
9 they been shipped into interstate commerce?

10 A. Yes.

11 Q. Getting back to the creation of
12 Garanimals for a moment, can you tell us what
13 was the thought process in determining that you
14 wanted to sell clothes under the trademark
15 Garanimals?

16 A. We thought there was an opportunity
17 to help a retailer sell more product faster and
18 get multiple sales, rather than sell individual
19 items, and we thought also that it would be
20 very helpful to the consumer who was buying
21 kids clothes.

22 We also felt that if we came up with
23 this very creative mix and match system and
24 developed a very memorable name, that that
25 would all come together and we would end up

1 KAMIEL

2 with a very successful well-known brand.

3 Q. And through the years has Garan
4 registered the Garanimals trademark?

5 A. Yes.

6 Q. Do you recall when the first
7 registration started?

8 A. I would -- I can't be specific. I
9 would imagine it would be when the concept was
10 created in 1972.

11 Q. Okay. That's fine.

12 I would like to talk for a moment
13 about likelihood of confusion. And is it your
14 understanding that one of the claims that Garan
15 is making in this opposition is that Garanimals
16 is likely to be confused with the trademark
17 Manimal?

18 A. Yes.

19 Q. And can you discuss a little bit
20 about why you think that that confusion would
21 be likely?

22 A. The names are very similar, and it's
23 easy for people to believe that Manimal would
24 be made by the company that makes Garanimals,
25 and that would be very confusing.

1 KAMIEL

2 Q. What about the marks specifically do
3 you think makes them very similar?

4 A. Ask the question a different way.

5 Q. What characteristics of the
6 Garanimals and Manimals marks do you believe
7 makes them similar so that they would be
8 confused by the public?

9 A. Well, they both use -- Garan uses
10 animals in our packaging and advertising, and
11 Manimal also uses their characters, which are
12 part human and part beast.

13 Q. Is there anything about the products
14 themselves that you think would make them
15 confusing, the types of products?

16 A. Yes, they are products that kids
17 wear. They are tops. And anybody who buys one
18 brand could easily be confused with another
19 brand with a name that sounds so similar.

20 Q. What about the types of customers,
21 purchasers that would be likely to buy the two
22 brands?

23 A. I can't answer that.

24 Q. Okay.

25 A. I can't speak for the customers.

1 KAMIEL

2 Q. Okay. What do you think the
3 consequences would be to Garan if the public
4 was confusing the two brands?

5 A. Our products are known to be very
6 high quality, creatively put together and at a
7 real value price, and anything that could sound
8 like our brand that didn't have the value or
9 the quality or the trend relevant esthetics
10 would be very damaging to Garanimals.

11 Q. Can you elaborate on what sort of
12 damage you're talking about?

13 A. The damage would be against our
14 reputation, which is delivering to our
15 customer, and subsequently the consumers,
16 well-made quality merchandise at value prices.

17 Q. Does Garan try to -- strike that.
18 Does Garan advertise Garanimals
19 products?

20 A. Yes.

21 Q. Have you done any research to
22 determine how widely recognized the Garanimals
23 trademark is?

24 A. Yes.

25 Q. Could you tell us a little bit about

1 KAMIEL

2 that?

3 A. Generally, after we run an
4 advertising campaign, we will do what is called
5 post advertising research and try to find out
6 how many people saw a commercial, what they
7 think of our commercial, what they think of our
8 message around the level of awareness they have
9 of the brand both aided and unaided.

10 Q. Could you explain what you mean by
11 aided or unaided?

12 A. Consumers would be asked, in an
13 unaided question, name X number of kids' wear
14 brands, and whatever comes to mind is an
15 unaided answer.

16 An aided question would be here are
17 five or six children's wear brands, which ones
18 are you aware of, and that's a different kind
19 of an answer because you're now helping the
20 consumer by giving them some choices.

21 Q. And in developing this advertising,
22 is Garan trying to project a particular image
23 about their clothing?

24 A. We have advertised for many years,
25 and we have emphasized quality. We have

1 KAMIEL

2 emphasized comfort. We have emphasized price.
3 We have emphasized attitude, and we have
4 emphasized our animals, and we have emphasized
5 our name.

6 Q. We will get back to the advertising
7 in a minute, but I want to ask you, do you know
8 who Dr. Joyce Brothers is?

9 A. Yes.

10 Q. Could you tell us who that is?

11 A. Dr. Joyce Brothers was a very famous
12 psychologist.

13 Q. And is it true that Dr. Joyce
14 Brothers was the author of a book about
15 Garanimals?

16 A. Yes.

17 MR. EPSTEIN: And I would like to
18 have you mark this as Exhibit A, please.

19 (Kamiel Exhibit A, Clothing and A
20 Child's Self-Image, by Dr. Joyce Brothers,
21 Bates Stamped GARAN0007 through 18, marked
22 for identification.)

23 Q. Are you familiar with the book that
24 Dr. Joyce Brothers wrote?

25 A. Yes.

1 KAMIEL

2 Q. Could you tell us a little bit about
3 the content?

4 A. Dr. Brothers had a belief that
5 teaching a child early in a child's life about
6 decision making would be a major asset to a
7 child as they develop. And she felt that the
8 Garanimal system of matching tops to bottoms,
9 through a very unique tagging system, was
10 something that could teach a child early
11 decision making, enhance a child's self-esteem
12 as they grow.

13 And always would say to us, you
14 would never let a child cross the street by
15 themselves when they were young, you wouldn't
16 let a child near a electrical socket when they
17 are young, but certainly to teach a child a
18 matching system of tops and bottoms and let
19 them make their own decisions would be a total
20 enhancement to a child's development.

21 Q. Okay. Thank you.

22 Let's talk about current sales of
23 Garanimals products. Can you give us an
24 overview as to the depth and breadth of sales?

25 A. Yes.

KAMIEL

Q. Please.

A. Garanimal sales are very substantial. We sell [REDACTED] Garanimals every second of the day. So if you multiply 31 million seconds in a year times [REDACTED] Garanimals per second, you can understand that we're selling close to [REDACTED] Garanimal tops and/or bottoms in the Walmart stores.

Q. Is that per year?

A. Yes.

Q. Do you have any information about what Garanimals sales have been in total throughout history?

A. You have to ask me that again.

Q. You told us what the level of sales --

A. Are today.

Q. -- are currently, which I assume -- is that for your -- the year of 2018 or is that for a fiscal year? You know, what's the time period?

A. That was for the year ending in 2017. Walmart's calendar is not the standard year ending December 31. Their calendar, like

1 KAMIEL

2 most retailers, ends the end of January.

3 So the end of January of 2019 they
4 will have finished their fiscal year of 2018.

5 Q. I see.

6 A. And the number that I gave you of
7 almost ~~200 million~~ Garanimals was for the year
8 ending 2018, which was last year.

9 This year we will sell more, but we
10 still have December and January months left,
11 and that's why I gave you the prior year.

12 Q. I understand.

13 Can you tell us how many SKUs you're
14 currently offering for Garanimals products?

15 A. Yes. Through the year there's
16 probably a couple thousand, 2,000 SKUs.

17 Q. Thank you.

18 Let's talk about advertising for a
19 moment. I believe you said that Garan
20 advertises its products; is that correct?

21 A. Yes.

22 Q. Can you tell me approximately on an
23 annual basis these days what the cost of the
24 Garanimals advertising totals?

25 A. We are spending approximately

1 KAMIEL

2 ~~XXXXXXXXXX~~ a year advertising Garanimals.

3 Q. And what sort of advertisements does
4 Garanimals produce?

5 A. We make commercials about our
6 products and our brand, and we advertise on
7 television and electronically, meaning digital.

8 Q. Focusing on the television media,
9 can you elaborate a little bit about the types
10 of commercials and where they are shown, how
11 frequently they are shown?

12 A. We advertise for the fall holiday
13 season generally starting the last week in
14 September till the second or third week in
15 November.

16 We also advertise in the
17 spring/summer portion of the year, and we
18 generally start the second week in March and go
19 through the first or second week in May.

20 We basically advertise on television
21 12 to 14 weeks a year. The television is
22 network, cable and some spot.

23 Q. Concerning those TV advertisements,
24 do you get any feedback in terms of the reach
25 of those sort of commercials?

1 KAMIEL

2 A. . . People go on our website and will
3 make comments about either our brand, our
4 clothes or our advertising. We also do post
5 advertising studies every two years,
6 approximately every two years, to see the
7 effect of the advertising having on the
8 attitudes toward the brand and the awareness of
9 the brand.

10 Q. And in terms of a recent campaign,
11 can you give us some idea of any feedback that
12 you get from your advertising agencies or in
13 terms of who it's reaching and how broad it
14 reaches?

15 A. When you advertise, you're trying to
16 advertise to the consumer who buys your
17 product. The advertising agency goes through a
18 media company, if, in fact, they don't handle
19 it in-house, and they will lay out for the
20 media company the customer you are trying to
21 speak to.

22 The media company will do a whole
23 analysis of what programs those customers watch
24 and will come back with a recommendation on
25 reach and frequency, how often you should be

1 KAMIEL

2 running these commercials, on what shows, who
3 they reach and how frequently you should run
4 them.

5 Q. And what sort of feedback have you
6 gotten from your recent campaigns?

7 A. Our Garanimal business has grown
8 substantially over the last three or four
9 years, and we would say, while we can't be
10 specific about how much is attributed to
11 advertising, we obviously all feel in our
12 company that the advertising is a major asset
13 to be used toward continuing to build our
14 brand.

15 Q. I believe you said before that you
16 also use digital media; is that correct?

17 A. Yes.

18 Q. Could you tell us a little bit about
19 that?

20 A. Yes. We started to advertise on
21 Facebook I would say about three or four years
22 ago in a small way because it was new to us.
23 And over a period of maybe three years
24 approximately, we built up over 1,200,000
25 likes, which meant that people were engaging in

1 KAMIEL

2 Facebook, looking at our advertising and liking
3 us and what we were saying.

4 We subsequently have also started to
5 advertise on Instagram and a couple of those
6 other major platforms.

7 Q. Does Garan have a website where they
8 advertise Garanimals?

9 A. Garan has a website. It's devoted
10 to Garanimals, and it will tell the people who
11 log onto the website about the history, the
12 brand, what it means, what it stands for.

13 We will show the product line of
14 what's being offered in the stores. If you
15 press a certain button, we will take you right
16 to Walmart store locator, so that they can see
17 what store is near them that they can go buy
18 the product.

19 Q. Is this Garanimals.com that we're
20 talking about?

21 A. Yes.

22 Q. It is. Are the products advertised
23 on any other websites?

24 A. Yes, the products are offered on the
25 Walmart website.

1 KAMIEL

2 Q. And when you say they are offered,
3 does that mean they are advertised and sold
4 through the website?

5 A. They are sold through the Walmart
6 website.

7 Q. And on the Walmart website would you
8 be able to view the Garananimals clothing?

9 A. Yes.

10 Q. Any other website that carries the
11 commercials?

12 A. No, not that I'm aware of.

13 Q. Do they appear on YouTube?

14 A. I believe so.

15 Q. When you say you believe so, do you
16 know what is shown on YouTube?

17 A. No. I'm an old guy, and I just
18 don't know everything about some of what's
19 going on in technology. I know where we are.
20 I don't know every single place where we are.

21 Q. Okay. Does Garan do any print
22 advertising?

23 A. We have participated advertising
24 Garananimals on some Walmart circulars from time
25 to time. We also had a print campaign a few

1 KAMIEL

2 years ago advertising in magazines like Parents
3 particularly, but American Baby, et cetera.

4 Q. With respect to the Walmart
5 advertising, is that done by means of
6 circulars?

7 A. Yes.

8 Q. And do you know how those circulars
9 are distributed?

10 A. They are distributed in the stores,
11 and they are distributed by mail to their
12 customers by them.

13 Q. By them. I see.

14 Do you have any idea of how many
15 circulars are distributed?

16 A. No.

17 Q. Okay. Let's talk for a moment --
18 strike that.

19 Does Garan have a licensing program?

20 A. Yes.

21 Q. Could you speak about that? Tell us
22 a little bit about that.

23 A. The Garanimal business in the
24 Walmart apparel area is very, very substantial,
25 and we had conversations with them through the

1 KAMIEL

2 years about taking this very well-known famous,
3 incredibly selling brand and offering it in
4 some other products like hosiery for kids,
5 underwear for kids, footwear for kids, and even
6 bath for kids, sheets, pillow cases, all the
7 bedding for kids, along with some books and
8 toys, all because the brand was so powerful and
9 it was so well received by the customers.

10 Q. Does Garan police its Garanimals
11 trademark?

12 A. Yes.

13 Q. How does it do that?

14 A. We have trademark attorneys who on
15 our behalf watch anything that comes along that
16 needs to be addressed and will then contact us
17 with the happening.

18 I forget what it's called. I want
19 to say brand watch or something like that.

20 Q. That's good enough.

21 And after your attorneys contact
22 you, then what happens?

23 A. We will look to see what is the
24 problem and try to make a plan on how to get it
25 resolved.

1 KAMIEL

2 Q. I just want to go back to our
3 discussion about digital media for a moment.

4 A. Sure.

5 Q. You talked about commercials for TV.
6 How many years has Garan been
7 advertising on TV?

8 A. When Garanimals was started in 1972,
9 the first advertising campaign took place in
10 about 1974, as I recall, and we advertised for
11 about four or five years. Then there was a
12 hiatus.

13 We went back in to some print
14 advertising, somewhat of a hiatus. And I would
15 say, in the last ten years, we have been
16 consistently on television advertising
17 Garanimals.

18 Q. Is there anywhere on the internet
19 that you know of where a person could go to
20 view the older Garanimals advertising?

21 A. Yes.

22 Q. Where would that be?

23 A. I believe -- I believe it's YouTube.

24 MR. EPSTEIN: Would you mark this as
25 2, please?

1 KAMIEL

2 (Kamiel Exhibit B, YouTube
3 Commercials, Bates Stamped GARAN00025
4 through 29, marked for identification.)

5 MR. WEINBERGER: 2 or B? The first
6 one you did was A.

7 MR. EPSTEIN: Okay. So make it B.

8 Q. Can you tell us what this document
9 is?

10 A. These are small little clips of some
11 of the different ads that we have run, the
12 commercials through the years, but not all of
13 them.

14 Q. Not all of them?

15 A. Not nearly all of them.

16 Q. And are these commercials available
17 to be viewed on YouTube currently?

18 A. I have heard they are, but I
19 can't --

20 Q. You don't have personal knowledge?

21 A. I can't.

22 Q. Are you familiar with the term
23 "Manimal"?

24 A. Yes.

25 Q. Can you tell me what a Manimal is?

1 KAMIEL

2 A. It's a part human, part animal that
3 is -- has animal instincts and behavior, ugly,
4 and very, very different than the animals that
5 we have in Garanimals.

6 Q. Would you say that in your
7 advertising of Garanimals you are trying to
8 create a particular image of what Garanimals is
9 in the minds of consumers?

10 A. Yes.

11 Q. And what is that image?

12 A. The image we are trying to create is
13 that Garanimals is a kids' wear brand of well
14 made, comfortable, high quality, durable
15 clothes that kids will want to wear, want to
16 dress themselves and look correct.

17 Q. And how does -- or in your mind how
18 would the image that Manimal projects relate to
19 the image that Garan is projecting through its
20 advertising?

21 A. In my mind, I think that people,
22 consumers, customers who buy Garanimals will
23 think that Garan and Garanimals is the maker
24 and owner of Manimal, and they probably will
25 think that we have lost our mind to use the

1 KAMIEL

2 kind of animals or images that exist in Manimal
3 when we have been around for so long and spent
4 so much money and put so much into the
5 Garanimal brand. And it would be a major
6 negative to the Garanimal brand, in my
7 judgment.

8 Q. When you say it would be a major
9 negative, could you explain that a little more?

10 A. I think that people could look at
11 that Manimal art and presentation and think
12 that Garanimals has changed course, and we are
13 now doing something different. And it's not
14 acceptable for kids, and absolutely could be
15 turned off and walk away from Garanimals.

16 Q. So when you say would walk away from
17 Garanimals, do you mean that they would not buy
18 Garanimal products?

19 A. It's very conceivable that they
20 could either stop buying or buy less because of
21 very negative feelings about what they think we
22 are doing with Manimal.

23 Q. Okay.

24 MR. EPSTEIN: Off the record.

25 (Discussion off the record.)

1 KAMIEL

2 BY MR. EPSTEIN:

3 Q. Mr. Kamiel, can you tell us what the
4 total amount of advertising dollars has been
5 devoted to Garanimals throughout the years?

6 A. Yes.

7 Q. Would you please?

8 A. We have spent approximately
9 ~~the amount of~~ over the years advertising
10 Garanimals from its inception.

11 Q. Okay. And are you aware of what
12 Walmart is currently planning to do with the
13 brand that it sells going forward?

14 A. Yes.

15 Q. Can you tell us what that is?

16 A. Walmart has decided that they want
17 to develop and own their own brands in apparel,
18 and they have eliminated all of the brands that
19 they had in their stores from different
20 companies and have come up with their in-house
21 brand for kids, for men's and for women's.

22 The only brand that they left intact
23 that they want in their stores and is their
24 easily largest brand in kids' wear is
25 Garanimals. Everything else in the store with

1 KAMIEL

2 the exception of a little bit of Carter's has
3 been converted to their own in-house brand.

4 Q. And why is that?

5 A. Garanimals is incredibly productive
6 for them. As I said before, they sell almost
7 [REDACTED] units a year and growing, and it's
8 so successful that they have expanded it into
9 preschool sizes four to ten in boy and girl,
10 which is marketed under the name 365 Kids from
11 Garanimals, which, by the way, is not any part
12 of the [REDACTED] Garanimals that I spoke
13 about.

14 Q. [REDACTED] sales?

15 A. [REDACTED] units of sales of
16 Garanimals.

17 Q. Okay. And could you tell us what is
18 365 Garanimals?

19 A. 365 Kids from Garanimals is
20 basically the Garanimal concept of mixing
21 tops -- mixing and matching tops and bottoms in
22 ages or sizes four to ten, which we call
23 preschool.

24 And that is very, very fast growing
25 and will be a very substantial additional

1 KAMIEL

2 program at Walmart under the Garanimal brand in
3 boy and girl.

4 MR. EPSTEIN: Your witness.

5 EXAMINATION BY

6 MR. WEINBERGER:

7 Q. Mr. Kamiel, you're not a lawyer, are
8 you?

9 A. No. Although my mother would have
10 liked me to be one.

11 Q. So you haven't practiced trademark
12 law, have you, sir?

13 A. No.

14 Q. Are you familiar with the legal
15 standard for descriptiveness in trademark, sir?

16 A. Probably, if you said it in
17 different words, I would understand it better.

18 Q. Would you be able to articulate what
19 the legal standard for a descriptive trademark
20 is?

21 A. No.

22 Q. Are you able to articulate what the
23 legal standard is for a famous mark in the
24 Trademark Trial and Appeal Board?

25 A. Could I articulate it legally?

1 KAMIEL

2 Q. Yes.

3 A. No.

4 Q. Could you articulate the legal
5 standard for a famous trademark in the United
6 States Court of Appeals?

7 A. Legally, no.

8 Q. What about the legal standard for
9 likelihood of confusion --

10 A. As I said before --

11 Q. Let me finish my question, sir.
12 -- for the United States Court of
13 Appeals for the federal circuit?

14 A. As I said before, I'm not an
15 attorney.

16 Q. Can you read back the question?
17 (Record read.)

18 A. No.

19 Q. Your company does not sell adult
20 clothing products under the Garanimals name,
21 correct?

22 A. Yes.

23 Q. It does?

24 A. No. You said correct. I said yes.

25 Q. Correct. No adult products,

1 KAMIEL

2 correct?

3 A. No adult products.

4 Q. Thank you.

5 Earlier you testified about concerns
6 about damage to the reputation of Garanimals by
7 my client's trademark; is that correct?

8 A. Yes.

9 Q. You have no proof of this actually
10 happening, do you?

11 A. Not yet.

12 Q. It's just your opinion, correct?

13 A. Yes.

14 Q. And you have no proof that a
15 consumer has actually confused the Manimal
16 brand with the Garanimals brand, have you?

17 A. Not yet.

18 Q. You also testified earlier about
19 research that your company does regarding the
20 impact of its advertising and the impact of its
21 television commercials; is that right?

22 A. Yes.

23 Q. Would you consider that market
24 research?

25 A. Yes.

1 KAMIEL

2 Q. We looked previously at Exhibit A,
3 which is the Joyce Brothers -- is it a book or
4 an article?

5 A. No, it was a book. A booklet I
6 guess would be more appropriate description.

7 Q. Who published this booklet?

8 A. This goes back to the '70s, and I
9 couldn't tell you.

10 Q. Do you know when it was published?

11 A. In the early '70s. I would guess
12 somewhere around '75, '76, something like that.
13 It's a long time ago, and I don't remember.

14 Q. But you don't know who the publisher
15 was?

16 A. No, I really don't.

17 Q. And sitting here today, can you tell
18 me what the circulation of this booklet was?

19 A. Not with any accuracy.

20 Q. You also testified earlier about
21 your company's efforts to police its trademark;
22 is that right?

23 A. Yes.

24 MR. WEINBERGER: C.

25 (Kamiel Exhibit C, Trademark

1 KAMIEL

2 Registration for Skelanimals, marked for
3 identification.)

4 Q. Sir, do you see what's been placed
5 in front of you is a trademark registration for
6 the mark Skelanimals in the United States
7 Patent and Trademark Office?

8 THE WITNESS: Is that what it is?

9 Oh, I can't ask you.

10 Q. You can't ask Mr. Epstein. You have
11 to look at it and tell me.

12 MR. EPSTEIN: You can read it and
13 see what it says.

14 Q. Do you see that?

15 A. Yes.

16 Q. You see that it covers clothing in
17 Class 25?

18 A. Yes.

19 Q. And that's it's based on use since
20 2005?

21 A. Yes.

22 Q. And did your company object to this
23 trademark?

24 A. I don't remember.

25 Q. You don't know one way or the other?

1 KAMIEL

2 A. I really don't remember.

3 (Kamiel Exhibit D, Trademark
4 Registration for Montanimal, marked for
5 identification.)

6 Q. Please take a look at Exhibit D.
7 Do you see this is a copy of a
8 registration for the mark Montanimal?

9 A. Yes.

10 Q. It's registered in the United States
11 Patent and Trademark Office?

12 A. Yes.

13 Q. And that this registration covers
14 clothing in Class 25?

15 A. Yes.

16 Q. And that it's based on first use in
17 August of 2017?

18 A. Yes.

19 Q. Has your company objected to this
20 trademark?

21 A. I don't know.

22 Q. You don't know if it has or it
23 hasn't?

24 A. I don't know.

25 (Kamiel Exhibit E, Trademark

1 KAMIEL

2 Registration for Lantanimals, marked for
3 identification.)

4 Q. The court reporter has marked and
5 you have been handed a copy of Exhibit E.

6 This is a US trademark registration
7 for the mark Lantanimals, is it not?

8 A. Yes.

9 Q. And it covers clothing in Class 25?

10 A. Yes.

11 Q. Based on use in December of 2017?

12 A. Yes.

13 Q. And has your company objected to
14 this trademark, sir?

15 A. Don't know.

16 (Kamiel Exhibit F, Trademark
17 Registration for Cartoonimals, marked for
18 identification.)

19 Q. I'm handing you a copy of what has
20 been marked Exhibit F.

21 Do you recognize this as a United
22 States federal trademark registration for the
23 mark Cartoonanimals?

24 A. Yes.

25 Q. Or, sorry, Cartoonimals?

1 KAMIEL

2 A. Okay. Yes.

3 Q. And this is covering clothing items
4 in International Class 25?

5 A. Yes.

6 Q. Based on first use in December of
7 2015?

8 A. Yes.

9 Q. And has your company objected to
10 this trademark, sir?

11 A. Don't know.

12 (Kamiel Exhibit G, Trademark
13 Registration for Earthhumanimal, marked for
14 identification.)

15 Q. You have been handed a copy of
16 what's been marked as Exhibit G.

17 This is United States trademark
18 registration for the mark Earthhumananimal --
19 sorry -- Earthhumanimal, is it not, sir?

20 A. Yes.

21 Q. And this covers shirts in Class 25?

22 A. Yes.

23 Q. Based on first use in 2013?

24 A. Yes.

25 Q. And has your company objected to

1 KAMIEL

2 this trademark?

3 A. Don't know.

4 (Kamiel Exhibit H, Trademark
5 Registration for Choonimals, marked for
6 identification.)

7 Q. You have been handed a copy of
8 what's been marked as Exhibit H.

9 This is a US federal trademark
10 registration for the mark Choonimals, is it
11 not?

12 A. Yes.

13 Q. And it covers shirts in
14 International Class 25, does it not?

15 A. Yes.

16 Q. And it's based on first use in July
17 of 2009, correct?

18 A. Yes.

19 Q. Has your company objected to this
20 trademark?

21 A. Don't know.

22 (Kamiel Exhibit I, Trademark
23 Registration for Halfanimal, marked for
24 identification.)

25 Q. I'm handing you what's been marked

1 KAMIEL

2 as a copy of Exhibit H -- I, excuse me.

3 Sir, do you see this is a US federal
4 trademark registration certificate for the
5 trademark Halfanimal?

6 A. Yes.

7 Q. Covering clothing items in
8 International Class 25?

9 A. Yes.

10 Q. And based on first use in December
11 of 2005?

12 A. Yes.

13 Q. And has your company objected to
14 this trademark, sir?

15 A. Don't know.

16 (Kamiel Exhibit J, Trademark
17 Registration for Manimals, marked for
18 identification.)

19 Q. I'm handing a copy of what's been
20 marked as Exhibit J.

21 You see that this is United States
22 federal trademark registration for the mark
23 Manimals?

24 A. Yes.

25 Q. And it's registered to a company

1 KAMIEL

2 called The Mountain Corporation in Keene, New
3 Hampshire; is that right?

4 A. Yes.

5 Q. And it covers clothing in
6 International Class 25, correct?

7 A. Yes.

8 Q. Based on first use in November of
9 2010?

10 A. Yes.

11 Q. And do you know if your company has
12 objected to this trademark, sir?

13 A. Yes.

14 Q. Yes, it has?

15 A. Yes, we objected.

16 Q. Let's talk about that.

17 (Kamiel Exhibit K, Notice of
18 Opposition, marked for identification.)

19 Q. You have been handed a copy of
20 what's been marked as Exhibit K. Please take a
21 moment to review the document, sir.

22 A. (Document review.)

23 MR. EPSTEIN: Off the record for a
24 minute.

25 (Discussion off the record.)

1 KAMIEL

2 Q. So, sir, you were looking, when we
3 broke off there for a second, at a document
4 that's been marked as Exhibit K?

5 A. Uh-huh.

6 Q. You have to say yes or no.

7 A. Yes, yes, yes.

8 Q. And do you recognize this?

9 A. Do I -- is the question do I
10 recognize this entire document?

11 Q. Yes.

12 A. No.

13 Q. Do you have any idea what it is?

14 A. Yes.

15 Q. And what's your understanding?

16 A. It's a Notice of Opposition.

17 Q. Filed by your company Garan Services
18 Corp.?

19 A. Garan.

20 Q. Garan. Excuse me.

21 A. That's okay.

22 Q. Garan Services Corp.?

23 A. Yes.

24 Q. Against The Mountain Corporation?

25 A. Yes.

1 KAMIEL

2 Q. And, to your understanding, is this
3 the objection that your company made to the
4 registration of Manimals that we looked at
5 previously in Exhibit J?

6 A. Yes.

7 Q. And do you know the resolution of
8 this objection?

9 A. Yes.

10 Q. And what was that?

11 A. We made a settlement with them.

12 Q. And what was the settlement?

13 A. That they would not use their
14 trademark in kids' wear. Kids' wear being
15 defined as newborn through preschool.

16 Q. Were there any other restrictions,
17 to your recollection?

18 A. I have to look through the --

19 MR. EPSTEIN: I'm just looking at
20 it. You just answer what your knowledge
21 is.

22 A. No.

23 Q. Do you recall whether, as a result
24 of the settlement with The Mountain
25 Corporation, your company allowed The Mountain

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KAMIEL

Corporation to get a trademark registration for the word "Manimals" for clothing?

A. Yes.

Q. And, in fact, on that -- it was on your company's consent that that registration was issued, correct?

A. Yes. And what you gave me specifies that it's not sized and targeted to infants, toddlers or preschoolers, yes.

Q. Do you know, sir, if there is a written settlement agreement memorializing that resolution?

A. I would think so.

Q. Do you recall if there is any other terms to the agreement other than that they would stay out of children's clothing, as you termed it, and then get their registration?

A. Don't know.

MR. WEINBERGER: I have no further questions.

MR. EPSTEIN: I would just like to make a statement for the record.

The Exhibit J, I note, has a listing of the goods, and the version of Exhibit J

1 KAMIEL

2 I do not believe has -- does not
3 accurately set forth the current goods
4 under the -- under an amended Manimals
5 registration as it is today.

6 MR. WEINBERGER: Counsel, can we
7 agree that the document that's been marked
8 as Exhibit J is the registration that
9 issued subsequent to your client's
10 opposition and prior to any discussions
11 between The Mountain Corporation and my
12 client?

13 MR. EPSTEIN: That's my
14 understanding.

15 MR. WEINBERGER: Then we have no
16 issue.

17 (Time noted: 11:08 a.m.)
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25

A C K N O W L E D G M E N T

STATE OF New York

:SS

COUNTY OF Richmond

I, JERALD KAMIEL, hereby certify that
I have read the transcript of my testimony taken
under oath in my deposition; that the transcript
is a true, complete and correct record of my
testimony, and that the answers on the record as
given by me are true and correct.



JERALD KAMIEL

Signed and subscribed to before me
this 8th day of JANUARY, 2019.

Jacqueline M Soto 01/08/19
Notary Public, State of New York

JACQUELINE M SOTO
NOTARY PUBLIC-STATE OF NEW YORK
No. 01SO6283317
Qualified In Richmond County
My Commission Expires 06-17-2021

Jacqueline M Soto
01/08/19

C E R T I F I C A T E

STATE OF NEW YORK)

:SS

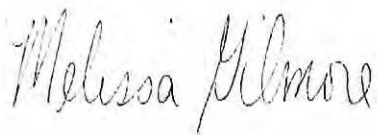
COUNTY OF RICHMOND)

I, MELISSA GILMORE, a Notary Public
within and for the State of New York, do hereby
certify:

That JERALD KAMIEL, the witness
whose deposition is hereinbefore set forth, was
duly sworn by me and that such deposition is a
true record of the testimony given by such
witness.

I further certify that I am not
related to any of the parties to this action by
blood or marriage; and that I am in no way
interested in the outcome of this matter.

IN WITNESS WHEREOF, I have hereunto
set my hand this 18th day of December, 2018.



MELISSA GILMORE

*** ERRATA SHEET ***

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NAME OF CASE: GARAN v. MANIMAL
DATE OF DEPOSITION: DECEMBER 7, 2018
NAME OF WITNESS: JERALD KAMIEL

PAGE	LINE	FROM	TO	REASON
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Subscribed and sworn before me

this _____ day of _____, 20____.

(Notary Public)

My Commission Expires:

	25:17	19:8;34:3;40:12	11:13,14;12:13	7:22
\$	ages (1)	art (1)	behalf (1)	built (1)
	36:22	34:11	30:15	26:24
\$10 (1)	ago (3)	article (1)	behavior (1)	business (7)
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\$100 (1)	agree (1)	articulate (4)	belief (1)	12:23;13:4;26:7;
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A	agreement (2)	asset (2)	better (1)	button (1)
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	aided (3)	assume (1)	bit (9)	buy (7)
	19:9,11,16	22:19	9:15;12:10;16:19;	11:25;12:7;17:21;
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22	almost (3)	attitudes (1)	Board (1)	11:23;15:20;34:20
absolutely (1)	10:18;23:7;36:6	25:8	37:24	buys (3)
34:14	along (3)	attorney (1)	book (4)	12:6;17:17;25:16
acceptable (1)	12:18;30:7,15	38:15	20:14,23;40:3,5	
34:14	Alpine (1)	attorneys (2)	booklet (3)	C
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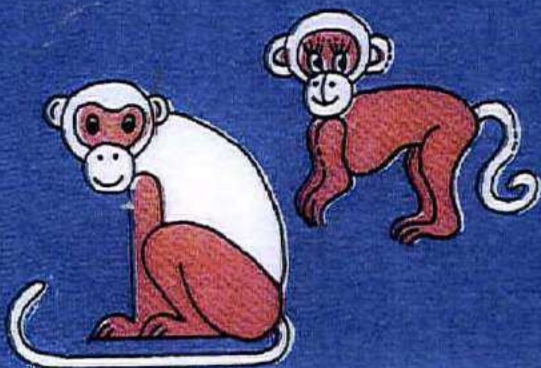
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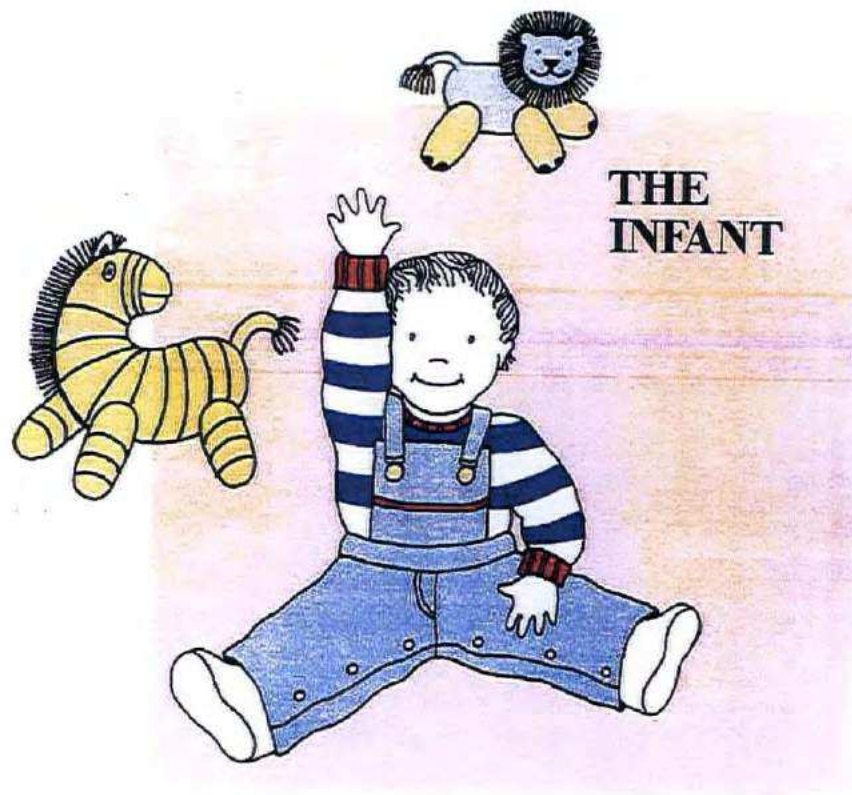
Exhibit A



**DR.
JOYCE
BROTHERS**

**CLOTHING AND A
CHILD'S SELF-IMAGE**

FROM GILBERT, INC.
THE MAKERS OF *Guinness*



THE INFANT

4

CLOTHING FOR THE NEWBORN

No child is born with a self-image. In fact, the newborn infant is a helpless mite with no real sense of a separate self. During the first few months of life, as the infant is fed, rocked and loved, he learns to recognize his mother from others.

Depending on how the infant is cared for, he or she will feel loved or unloved, comfort or discomfort, safe or unsafe. These basic feelings affect the concept of self then and for years to come.

The baby lives in a world of the senses — they are his doors to the world. Color and the feel of different textures in clothing make a keen impression on the infant. I was amazed to find research showing that children can make color and pattern distinctions before they can walk or talk.

In a recent study of two groups of institutionalized babies — both given equal amounts of cuddling and physical attention — the group exposed to visual stimuli (rooms with mobiles, patterned sheets and posters on the wall) were much more attentive than those kept in a white, picture-free room. In addition, babies exposed to visual stimuli also tended to respond to clothing with bright decorative accents.

Through movement, through the seemingly uncoordinated stretches of his whole body, and through exploring with his fingers and toes, the infant gradually learns where his own body ends and the rest of the world begins.

Since movement is so essential to infants, clothing should not restrict them. Parents, in selecting a garment might ask themselves: Will it be too big or too tight? Will it be soft or



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scratchy? Will it slide easily over the infant's head? Since the newborn will spend most of his time during the first few months of his life sleeping, knitted nightgowns, stretch suits, or knitted shirts are practical clothing choices. Be sure, too, that you do not choose clothing with decorative details that are too fussy for the infant's comfort, or so bulky that he cannot lie on them comfortably.

SIX MONTHS AND OLDER

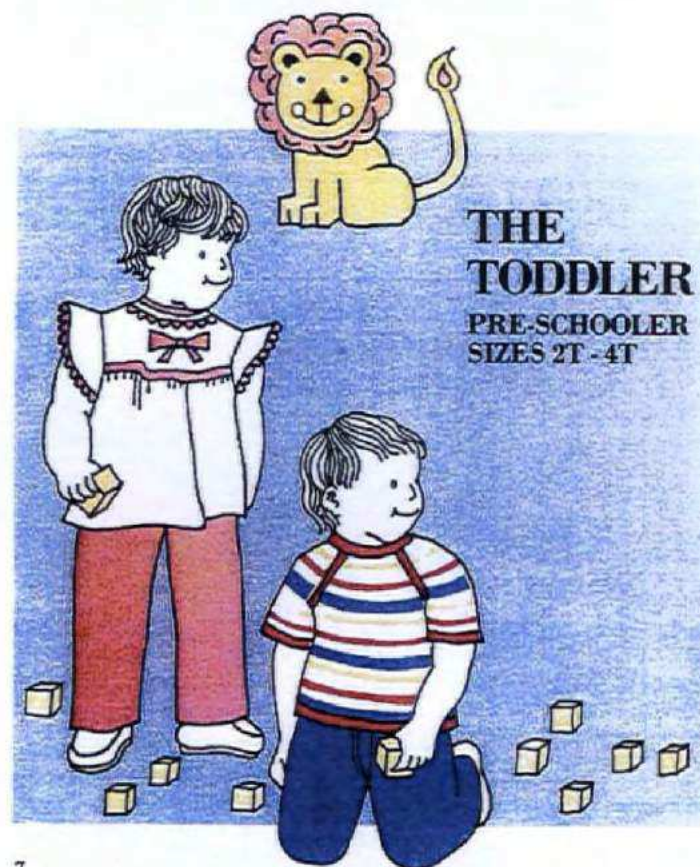
As infants grow, their senses are sharpened and awakened. Babies are able to absorb a surprising amount of information about their world. Frequent outings provide a stimulating change of scene for the infant. During the summer months, select light clothing that will also provide excellent coverage, as the sun can burn baby's tender skin.

In winter, a bunting, a quilted pram suit, or acrylic blanketing will keep the baby comfortably warm. The baby's outerwear can be supplemented with a few additional blankets if he's riding in a carriage. Though you do want him to stay warm, don't overdo it. Many parents have a tendency to over-bundle the baby for fear that he will catch cold. In most cases, a baby doesn't need anything heavier in the way of clothing than you, yourself, require to keep warm.

Before the end of the first year, the baby discovers that he can remove his socks, cap, booties, or even all of his clothes. This represents a great leap forward in muscular control and over-all coordination. The great delight very young children take in removing their clothing reflects a sense of achievement in the ability to manipulate physical objects and the beginning of feelings of independence.

Once a baby can sit up and crawl, he becomes a bundle of energy as he explores furniture and finally takes the first tentative steps on his own. Since infants are now no longer restricted to the crib, many parents opt for clothing that has more of a fashion look — clothing that is durable enough to withstand hours of active crawling, yet comfortable and soft enough to permit freedom of movement. Overalls or pull-on pants with grippers paired with soft knitted tops are popular choices as they wear well and are easy to launder.

6



**THE
TODDLER**
PRE-SCHOOLER
SIZES 2T - 4T



7

The joy that parents take in watching their infant learn to walk and talk is indescribable—these are the magic years of discovery for a child. No longer totally dependent on others to be picked up and moved from place to place, the toddler savors his first explorations and delights in getting into everything.

It is important for the parent to understand that the pre-schooler concentrates on his own point of view and that he cannot readily see things from someone else's viewpoint. It is only through the experience of living and playing with others that the child gradually learns to understand questions of right and wrong, fair or unfair, real or make believe, both for himself and others.

As the pre-schooler's language develops, you'll be dealing with what may seem to be an unending sequence of "Whys?" When these "Whys?" concern matters the toddler cannot be expected to understand, parents must provide the answers.

But when there are questions that toddlers may be able to figure out for themselves, you can reverse the child's "Why?" with a "Why do you think?" of your own. Sometimes you will have to guide the toddler toward an answer through a series of small questions, beginning with those you know he can answer.

In this way, parents demonstrate that they value their child's curiosity and aid the child in clarifying what he already knows and what he really wants to find out. This kind of patient sharing helps to develop the child's language and establishes early self-confidence in his ability to think things out for himself, with just a little help from Mom and Dad.

LEARNING TO DRESS

"I can do it! I can do it! By myself!" chants the pre-schooler. This need to do it "all by myself" is evident in the young child's attempt at self-dressing. If undressing can be considered a part of learning to dress, then we could say that most two-year-olds show sure signs of trying out their skill. The fact is that it will take most of the next two years before their ability will match their eagerness. Excluding shoe laces and button-up-the-back clothing, most pre-schoolers by the age

of four are quite eager and able to dress themselves.

By selecting clothing that does not require fine manipulations that are too hard for tiny fingers, parents can help reinforce their son's or daughter's desire to use their own abilities and become more independent. Tops and bottoms that are simple to pull on and off, with no hard-to-handle buttons, zippers or snaps to foil the eager child's attempts at dressing, are best and most comfortable for the active toddler.

Along with easy-on, easy-off clothes, it is helpful to lower the closet rod to the child's height, or put clothes in drawers that do not require a step ladder to reach. Providing an unhurried atmosphere in which children have time to observe how they are dressed by their parents, as well as opportunities to try dressing themselves are ways in which parents can help children build confidence in their ability to do things by themselves.

I also think it's helpful to know that boys are generally slower than girls in developing fine motor skills in their hands. It's not laziness or uncooperativeness, but physical facts that explain why some laces, small buttons, and tiny zippers may present more difficulty for boys than girls. It also explains why boys generally have more problems with penmanship a few years later. One of my friends had a son who was particularly slow in the fine art of shoelaces. His mother found that shoes and sneakers that could be snapped, buckled or slipped on saved a lot of tears and frustration. If it's any comfort, a few years



later her son became an avid model builder and somewhere along the line, he learned to tie his sneakers like a pro!

We need to remember that the ability of children to perform new tasks may not match the expectations of their parents. Children have different rates of development, and those who, at an early age, are made to feel slow or incompetent because of the unrealistic expectations of their parents are likely to face later tasks or challenges with feelings of inadequacy.

EXPRESSING CLOTHING PREFERENCES

Once toddlers have learned the rudimentary skills of undressing and dressing, they will probably turn their attention toward what they want to wear. This new desire may very well correspond to the time the child asserts himself with an emphatic "NO!"—an event that generally occurs between the ages of 1½ and 2.

This short word marks a milestone in the child's growth. It is a declaration of independence. "No" is actually a positive statement of selfhood. "I am me, a separate, though small, person who has preferences and wants to make choices."

This important change in the child's behavior can be difficult for the parent—how many parents speak of the Terrible Two's! Parents need to keep in mind the values of positive feedback. The small child sees himself as his family sees him. If they see him as more lovable than unlovable, that is how he will see himself.

If a child is told repeatedly that he is naughty, he will indeed see himself as naughty and prove it in his behavior. Instead of saying, "You naughty child!" over and over again, parents need to separate the naughty act from the child. In simple words, we tell the child we like him, but not what he is doing.

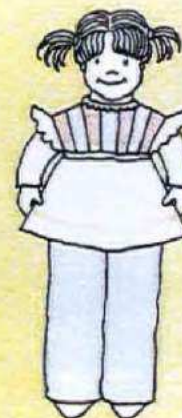
Parents can enhance the child's new sense of selfhood by allowing the child small choices. Of course, we can't ask a toddler whether he wants to go to bed, or take his medicine, or swim in six feet of water. Where safety and health are concerned, there are no real choices. Only parents can decide. But in many areas the

young child can and should be given small choices. For example, we can say, "Here are two toys, which one do you want? Do you want a red or blue balloon? Would you like to wear this shirt or that one?"

Clothing is one area where we can give pre-schoolers the positive playbacks on which they thrive. A good part of the pleasure pre-schoolers receive from their clothing comes from being admired by friends and family. Always on center stage, pre-schoolers love clothes that draw attention to themselves. In fact, attention-getting is one of the functions of clothing. "See my new skirt!", she says, twirling about the room like a dancer. "See my new shirt!", he says, puffing out his chest with pride.

Since many adults have trouble making small talk with little ones, the child's clothing is often admired. If the child has had a hand in selecting his own clothes, then the response he gets is twice as rewarding. Not only does the child feel confident that he looks good, but his self-confidence is bolstered by feeling successful in making his own choices.

Garanimals system of matching sewn-in animal labels helps the pre-schooler to handle his own wardrobe. With three pairs of slacks and five tops, a child can mix and match fifteen different outfits. That sense of "I can" fosters the child's growing sense of independence.



EMOTIONAL ATTACHMENT TO CLOTHING

With the exception of adolescents, no other age takes more delight in clothing than pre-schoolers. Anything new is delicious and must be worn right "now", just as new toys must be played with before they're out of the store. But the toddler's devotion to new clothes does not cancel his deep affection for old and familiar treasures. A tried and true cap or old sweater brings back warm memories of earlier childhood when he felt safe and secure.

I knew one little boy who was so attached to his old cowboy boots that he felt they should be buried properly, not simply thrown away. His affection for those boots was most likely tied to happy times he'd had while wearing them. Some nursery school or kindergarten age children may feel more secure if they are allowed to carry an old cap or sweater along on the first day of school—a familiar touch of home. Not all children need these comforts, but those that do should not be shamed or called "babyish". As the child becomes more secure and confident in a new setting, the need for that old familiar treasure will disappear.

Clothing at this age is also frequently associated with pleasant and unpleasant memories. In fact, color preferences are sometimes shaped by this kind of association. If mommy wears pink or green, her daughter is likely to love pink or green. If a child falls out of a blue high chair, blue may not be a favorite color for some time thereafter.



COMFORT—THE KEY TO CLOTHING SELECTION FOR ACTIVE TODDLERS

The value of comfort cannot be overlooked in selecting clothing for the pre-schooler. Knowing that they learn through their senses, we can predict that they'll be digging, climbing, tasting, stirring, spilling, jumping and crawling sometime through every active day. Children who need to be overly cautious about "staying clean" are not free to explore their world. As they grow, they will be climbing monkey bars, riding their tricycles, jumping off "cliffs", and building an inner sense of competence in their physical selves. Down on their knees they dig tunnels in sand and build bridges with blocks. Up to their elbows in suds they scrub dolls and dishes, with their fingertips they swirl splashes of paint on paper with their fists they squeeze and mold clay. Messy? True. Important? Yes, indeed! Becoming more skillful in both large and small motor activities, they learn through their play. Pre-schoolers need clothes to match their active learning style.

Parents will want to select practical clothing that can withstand the rough and tumble play of their child as he grows. In my traveling and talking with parents, the easy care and durability of Garanimals have been features many parents have mentioned again and again! ■





THE EARLY SCHOOL YEARS

SIZES
4 - 6X GIRLS
4 - 7 BOYS

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LET'S PRETEND

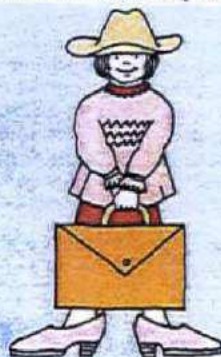
"I'm Popeye the Sailor Man!" your four-year-old will proudly proclaim. Indeed, in his Popeye T-shirt he feels just as strong as the famous wiry sailor man, even if he won't eat his spinach.

"Let's pretend," says little Robert to his nursery school friend Mary. "You be the mommy and I'll be the daddy." Fantasy is powerful and important to children—not only ready-made fantasies like Popeye—but the ones children create themselves. Though children begin casting themselves in fantasy roles in the toddler stage, imagination comes to full flower as the child encounters multiplying sources of stimulation and inspiration in nursery school and kindergarten.

Wearing a policeman or policeman's hat and badge, the child becomes the person with authority. In Mommy's high heels you can scold the baby, go to the office, and make the rules. You can be big, strong, famous, brave, naughty, nice ... the choices are endless.

In playing "you be the mommy, daddy, doctor, truck-driver, teacher, actress, or pilot" children try on roles that help them to grow emotionally and intellectually. By trying on roles children begin to clarify their own self-images and expectations of others. Dramatic play is also a useful tool for the release of aggression and anxiety that might be too threatening or unacceptable in reality.

Children at this age also want to imitate older boys and girls in dress, as if by



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THE FIRST DAY OF SCHOOL: THE IMPACT OF FIRST IMPRESSIONS

Probably there is no day, short of a birthday, as important as the first day of school. Suddenly your four-or five-year-old is ready to take a giant step from the small circle of the family into the larger world beyond the home, while it seems only yesterday that you were just teaching him to tie his shoelaces.

With the first day of school comes the challenge of first impressions. It may surprise you to know that children as young as three tend to judge others on the basis of first impressions.

At a very early age, children pick up cultural messages in response to the differences between children who are poorly groomed and those whose cleanliness and dress make the most of their appearance. These distinctions are learned directly from parents or indirectly from TV, magazines, everyday observations or from overhearing casual remarks.

APPEARANCE AFFECTS TEACHER REACTION

Unfortunately, teachers, too, are not unaffected by first impressions. Despite the old adage "Never judge a book by its cover," psychologists have found that elementary school teachers have higher expectations of academic achievement and positive social behavior from well-groomed, attractive-looking students. Consequently, they will tend to call on these children more frequently, often giving guided questions that lead to correct answers. This extra attention and posi-



tive expectation often leads those students to higher achievement.

During later school years, students who feel comfortable and confident about their appearance are found to participate more actively in extra-curricular activities and generally earn higher marks.

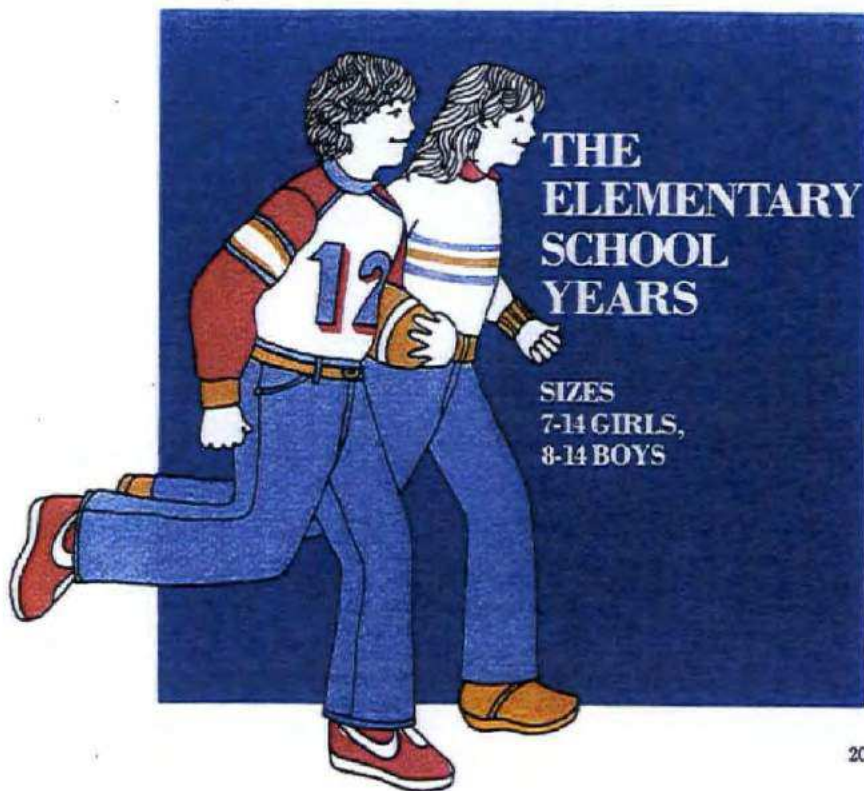
Children sense that first impressions about attractiveness have broader implications in terms of making friends. Though, of course, they won't voice this awareness directly, they do show their concern by becoming very choosy as to what they want to wear on their first day of school.

Parents should be sensitive to this concern, but should realize that looking their best does not mean that the child should wear "party best" or "Sunday best." In fact, the child who arrives for the first day of school "all dressed up" is likely to feel out of place among his more casually dressed schoolmates. School clothes need to be selected for active learning and physical comfort as well as attractiveness.

Parents can help children avoid one potential source of psychological turmoil on the first day of school by being aware of the clothing conventions of the area. This holds for children of all ages attending new schools, or for any new occasions when they'll be meeting people for the first time.

A friend recently told me about an embarrassing first day of school she never forgot. Her family moved from a northern city to the south in the middle of the school year. Dressed in her "normal" school clothes—blouse, slim skirt, and black suede shoes—she entered her new classroom and caused an immediate sensation. With tactless giggles and pointing, her new classmates in sandals and full floral skirts, made her feel painfully self-conscious and excluded. They had simply never seen anyone dressed in such "freaky" clothes.

Entering a new classroom was hard enough, but being teased because of inappropriate clothing was very painful. A little foresight on the part of the parents might have taken some of the difficulty out of this "first day of school." Visiting stores and seeing what is being offered in the new city is a good clue to the kinds of clothes other children will be wearing.



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THE ONSET OF PEER PRESSURE

There's an old song that would make a great theme for the school age child... "Everybody's doing it, doing it, doing it!"

The elementary school years mark the time when the child is beginning to form important bonds with his peers... to join clubs, try out for teams, share secrets, and dream of the future.

Since at this time acceptance by peers is so important to children's sense of security and self-worth, it is easy to see why they would want to wear the same type of clothing as their friends and classmates. Children who dress "differently" may be subject to cruel teasing by their peers. Clearly, the school age child does not want to draw attention to his appearance at the expense of acceptance.

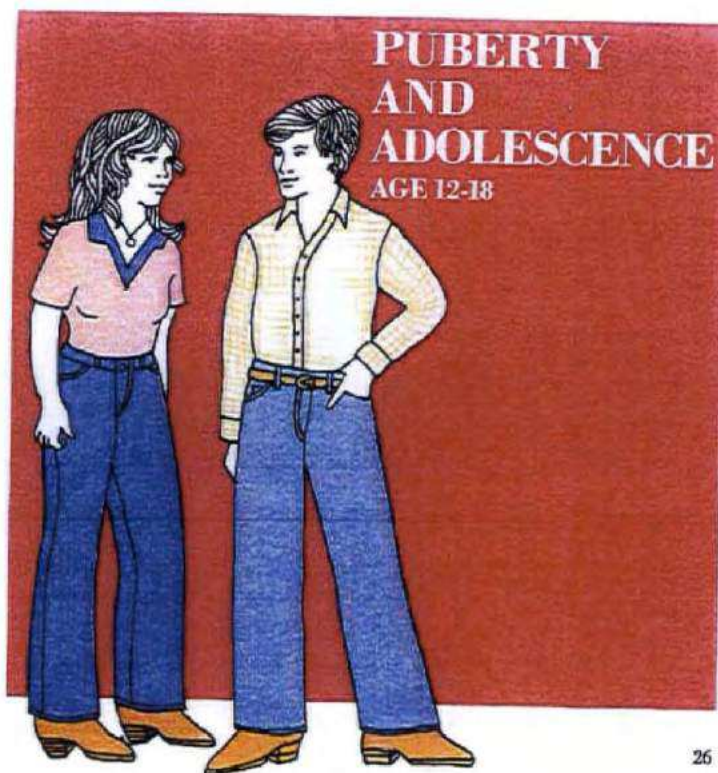
Parents may react to this stage of their child's development with dismay, feeling that the child is losing all sense of individuality and being pressured by his peers to look like everyone else. Keep in mind, however, that this is a healthy phase. Children are learning how to interact with others and to function and identify as members of a group. The parent who insists on a button-down shirt and jacket for a boy whose peer group is wearing jeans and T-shirts, is putting unnecessary road blocks in the path the child needs to travel.

Forcing the child to dress differently from his peers may contribute to natural feelings of insecurity about physical appearance which many children are apt to experience at this time. School age children who feel very self-conscious about the way they look will sometimes shrink from social contact and avoid answering questions because they don't want to call attention to themselves. Fearful they'll be teased, they may also avoid participating in games, and may even spend recesses alone. Attractive, appropriate clothing can go a long way in helping the school age child feel more confident about his growing body, and about himself.

Of course, there are positive and negative peer pressures. Children need firm but understanding guidance in sorting out the values of the many groups they will encounter. Children with overly permissive parents may tend to feel that their par-

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THE NEED TO FIT IN

Not so many years ago the line between childhood and adulthood was marked with clear signposts. Boys looked forward to their first pair of long pants. Girls waited impatiently for their first pair of sheer stockings, high heels, and lipstick. These rites of passage, long established by custom and tradition, were carefully monitored by parents and closely watched by members of the peer group who were going through the same experience. A girl who wore lipstick before the prescribed time risked her reputation and position within the group.

Historically, puberty marked the end of childhood and the beginning of adulthood, and that was that. Adolescence was not regarded as a separate chapter in a young person's life. Primitive tribes celebrated coming of age with ceremonial rites. Boys became warriors and girls became wives.

Today, the lines between childhood and adulthood are less clear. Children in our culture tend to mature earlier than in the past, often impatient to assume adult roles before they are ready to deal with adult responsibilities. Parents must be especially watchful and understanding during this period, trying on the one hand to recognize their adolescent child's powerful strivings toward maturity, and on the other hand to control and limit any expressions of those strivings that may be damaging to future development.

During these years, the youngster begins to wrestle with the problems of identity. More than a child but not quite an adult, adolescents watch themselves very carefully: "How am I inwardly the same as my parents and friends," a child reflects, "and how am I different?" As the answer to these questions unfolds, the teenager's sense of independent identity begins to grow and send forth roots.

Throughout this period of identity formation, the adolescent moves with tentative and uncertain steps, still looking to the group for approval of the directions he chooses.

Clothes are one means of establishing identity with a peer group, and for many teenagers, being "in with the crowd" is a shield against the loneliness and inner

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ents don't care enough to set limits. Children with overly rigid parents may withdraw totally and miss important learning experiences. Neither extreme—permissiveness or rigidity—can help the child to deal with peer pressure effectively.

Parents also need to remember that the new "others" in their child's life are not the enemy. Up until the school years, children have a tendency to view their parents as all powerful and all knowing. It is sometimes difficult for parents to accept the fact that there are now new and significant "others" in their child's life.

Toe to toe with their age-mates, children strive to become competent. In some areas they may (realistically or not) fail to measure up to their own expectations. Parents can foster the child's sense of self-confidence by helping the child set reasonable expectations and manageable goals. When parents take the time to hold the wobbly two-wheeler, play a game of catch, listen to a child read and show admiration for efforts and small gains, they help children build competence and feelings of self-confidence.

Parents should be aware that children who are part of a group, develop a sense of identity earlier. The experience of being a group member develops confidence in one's ability to get along with others. The child can then better resist peer pressure later on. For the boy or girl who has always been an "outsider" — never part of a group — the goal of being accepted by a group becomes painfully important.

Since acceptance by the group involves participation in activities, the elementary school child's clothes must also meet the requirements of active play. Group acceptance is not, of course, the only reason a growing



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child strives to improve his physical skills: children have a natural love of movement and rhythm, and a joy in healthy schoolyard and playground competition. Playing ball, running races, riding bikes, jumping rope means clothes must be durable and comfortable.

CHANGING BODY SHAPES

Like all of us, children come in all shapes and sizes — some are average, tall, short, skinny or chubby. While the pre-schooler is not particularly concerned about physique, the elementary school child may be very concerned. Girls fear soaring inches above the boys their age; the 11-year old boy agonizes over being too small. School-age kids can be unkind, making fun of classmates who are conspicuously different in physique—whether taller, shorter, fatter or thinner.

It is not a happy phenomenon that during these very years when children are most self-conscious about their bodies, they often experience rapid growth spurts. This can be a particularly anxious time in your child's life. Clothes can go a long way in smoothing over differences and enhancing self-confidence.

Carefully selected clothing can serve to minimize the extremes of body build. One of the greatest benefits of coordinated separates like Garanimals is that they



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WIKIPEDIA

Garanimals

Garanimals is the name of a line of children's related clothing separates, created by Seymour Lichtenstein in 1972 for **Garan Incorporated**. Each item of clothing features a hang-tag depicting one of several animal characters called Garanimals. The philosophy behind Garanimals is that by making it easy for children to choose coordinated outfits by themselves (by choosing pieces with matching hang-tags), a child can gain self-confidence through early decision making. Additional benefits to using the brand is ease of shopping for the consumer and the probability of multiple sales for a retailer.

In February 2008 Garanimals was relaunched nationwide. The matching animal tag system still exists today and is sold in Walmart stores and Walmart.com. Garan is currently owned by Berkshire Hathaway.

External links

- Official website (<http://www.garanimals.com>)
- Garanimals Blog (<http://blog.garanimals.com>)
- YouTube (<https://www.youtube.com/garanimals>)

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This page was last edited on 16 October 2017, at 10:03.

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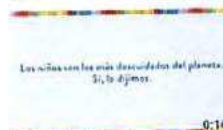
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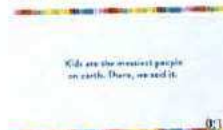
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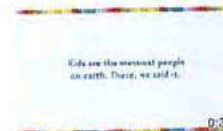
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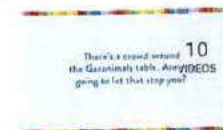
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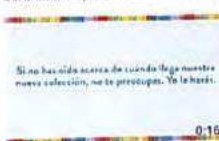
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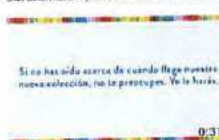
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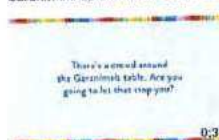
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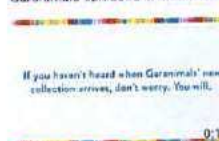
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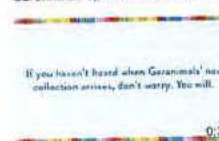
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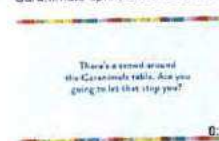
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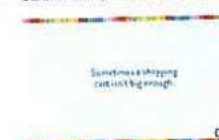
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Garanimals was founded on a simple but unique concept: to help parents and children coordinate outfits easily. Each animal represents a line within the collection. Each of the

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SKELANIMALS

Reg. No. 5,519,099

Registered Jul. 17, 2018

Int. Cl.: 14, 16, 25, 28, 41

Service Mark

Trademark

Principal Register

Entertainment One Licensing US, Inc. (CALIFORNIA CORPORATION)
Suite 300
150 S. El Camino Drive
Beverly Hills, CALIFORNIA 90212

CLASS 14: Jewelry; Watches

FIRST USE 1-31-2007; IN COMMERCE 1-31-2007

CLASS 16: Paper goods, namely, stationery, postcards, and stickers

FIRST USE 4-30-2005; IN COMMERCE 6-30-2006

CLASS 25: Clothing, namely, T-shirts, shirts, dresses, sweaters, blouses, pants, undershirts, skirts, jackets, sweatshirts, tank tops, jeans, shorts, skorts, overalls, hooded sweatshirts, pajamas, loungewear, socks, bras, underwear, ponchos, scarves, gloves, belts; footwear, namely, shoes, slippers, thongs; headwear, namely, hats, beanies, baseball caps, berets; Halloween costumes

FIRST USE 2-28-2005; IN COMMERCE 4-30-2005

CLASS 28: Toys, namely, plush toys; games, namely, card games

FIRST USE 4-30-2006; IN COMMERCE 4-30-2006

CLASS 41: Entertainment services in the nature of cartoons and web episodes, distributed over the internet, featuring animated characters

FIRST USE 2-28-2011; IN COMMERCE 2-28-2011

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT STYLE, SIZE OR COLOR

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United States of America

United States Patent and Trademark Office

MONTANIMAL

Reg. No. 5,433,458

Registered Mar. 27, 2018

Int. Cl.: 25

Trademark

Principal Register

Montanimal, LLC (MONTANA LIMITED LIABILITY COMPANY)
P.o. Box 18096
Missoula, MONTANA 59808

CLASS 25: Hats; Tops as clothing; Wearable garments and clothing, namely, shirts

FIRST USE 8-17-2017; IN COMMERCE 8-17-2017

The mark consists of "MONTANIMAL" in a stylized font.

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United States of America

United States Patent and Trademark Office

LANTANIMALS

Reg. No. 5,424,832

Registered Mar. 13, 2018

Int. Cl.: 25

Trademark

Principal Register

Cluthe, Steven (UNITED STATES INDIVIDUAL)
116 E. Hart St.
Lantana, FLORIDA 33462

CLASS 25: Clothing, namely, shirts, T-shirts, hats

FIRST USE 12-1-2017; IN COMMERCE 12-1-2017

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT STYLE, SIZE OR COLOR

SER. NO. 87-330,381, FILED 02-09-2017



Andrew Kamen

Director of the United States
Patent and Trademark Office

Garan v. Manimal
Opp No. 91232774
Opposer's Testimony -
Kamiel Exhibit No. E

Exhibit F

United States of America

United States Patent and Trademark Office

Cartoonimals

Reg. No. 4,952,892
Registered May 3, 2016
Int. Cl.: 25

TRADEMARK
PRINCIPAL REGISTER

KING PALACE LIMITED (HONG KONG LIMITED LIABILITY COMPANY)
ROOM 1107, 11/F., CELEBRITY COMM. BLDG.,
64 CASTLE PEAK ROAD, SHAMSHUIPO, KOWLOON
HONG KONG, HONG KONG

FOR: APPAREL FOR DANCERS, NAMELY, TEE SHIRTS, SWEATSHIRTS, PANTS, LEGGINGS, SHORTS AND JACKETS; BUSINESS WEAR, NAMELY, SUITS, JACKETS, TROUSERS, BLAZERS, BLOUSES, SHIRTS, SKIRTS, DRESSES AND FOOTWEAR; CHILDREN'S HEADWEAR; CHILDREN'S UNDERWEAR; DRESSES THAT MAY ALSO BE USED AS TOWELS; DRESSING GOWNS; DRESSING GOWNS AND BATH ROBES; FOOTWEAR; FOOTWEAR FOR MEN AND WOMEN; FOOTWEAR, NAMELY, PUMPS; HEADWEAR; INFANTS' TROUSERS; JACKETS AND SOCKS; KNIT DRESSES; NON-SLIP SOCKS; SHOES FOR BABIES, ADULTS, CHILDREN, WOMEN, MEN; SHORT TROUSERS; SKIRTS; SKIRTS AND DRESSES; SOCKS; SWEATERS FOR BABIES, ADULTS, CHILDREN, WOMEN, MEN; TEE SHIRTS; TROUSERS FOR BABIES, ADULTS, CHILDREN, WOMEN, MEN; UNDERWEAR; WAIST BANDS; WOVEN OR KNITTED UNDERWEAR; WRISTBANDS, IN CLASS 25 (U.S. CLS. 22 AND 39).

FIRST USE 12-8-2015; IN COMMERCE 12-8-2015.

THE MARK CONSISTS OF A LOOK ALIKE ANIMAL PAW WITH 3 IRREGULAR CIRCLE ALIKE FINGERS ON TOP, A LETTER "C" IN SELF DESIGN FONT GRAPHICS IN CENTRE OF THE PALM, FOLLOW BY "ARTOONIMALS" IN SELF DESIGN FONT GRAPHICS.

SN 86-610,270, FILED 4-27-2015.

JEFF DEFORD, EXAMINING ATTORNEY



Michelle K. Lee
Director of the United States
Patent and Trademark Office

Garan v. Manimal
Opp No. 91232774
Opposer's Testimony -
Kamiel Exhibit No. F

Exhibit G

United States of America

United States Patent and Trademark Office

EARTHUMANIMAL

Reg. No. 4,475,199

Registered Jan. 28, 2014

Int. Cl.: 25

TRADEMARK

PRINCIPAL REGISTER

PAULA MANINI (UNITED STATES INDIVIDUAL), DBA EARTHUMANIMAL
P.O. BOX 418
TRINIDAD, CO 81082

FOR: SHIRTS, IN CLASS 25 (U.S. CLS. 22 AND 39).

FIRST USE 6-19-2013; IN COMMERCE 6-19-2013.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

SER. NO. 85-969,445, FILED 6-25-2013.

RUSS HERMAN, EXAMINING ATTORNEY



Michelle K. Lee

Deputy Director of the United States
Patent and Trademark Office

Garan v. Manimal
Opp No. 91232774
Opposer's Testimony -
Kamiel Exhibit No. G

Exhibit H

United States of America

United States Patent and Trademark Office

CHOONIMALS*

Reg. No. 4,406,262

Registered Sep. 24, 2013

Int. Cl.: 25

TRADEMARK

PRINCIPAL REGISTER

CHOONIMALS CLOTHING COMPANY, LLC (OHIO LIMITED LIABILITY COMPANY)
FL2
459 18TH ST.
BROOKLYN, NY 11215

FOR: SHIRTS, IN CLASS 25 (U.S. CLS. 22 AND 39).

FIRST USE 7-23-2009; IN COMMERCE 7-23-2009.

THE MARK CONSISTS OF THE TEXT "CHOONIMALS" IN HAND DRAWN LETTERING AND THE TWO "O"'S LOOK LIKE EYES WITH EYEBROWS ABOVE THEM AND THE "S" HAS A TAIL TO IT.

SER. NO. 85-836,878, FILED 1-30-2013.

FONG HSU, EXAMINING ATTORNEY



Lisa Stansbury
Deputy Director of the United States Patent and Trademark Office

Garan v. Manimal
Opp No. 91232774
Opposer's Testimony -
Kamiel Exhibit No. H

Exhibit I

Int. Cl.: 25

Prior U.S. Cls.: 22 and 39

Reg. No. 3,424,615

United States Patent and Trademark Office

Registered May 6, 2008

**TRADEMARK
PRINCIPAL REGISTER**

HALFANIMAL

VILLA, JESUS (UNITED STATES INDIVIDUAL)
P.O. BOX 81312
LAS VEGAS, NV 89180

THE MARK CONSISTS OF STANDARD CHAR-
ACTERS WITHOUT CLAIM TO ANY PARTICULAR
FONT, STYLE, SIZE, OR COLOR.

FOR: BEANIES; HATS; PANTS; SHORTS; SWEAT
PANTS; SWEAT SHIRTS; SWEAT SHORTS; SWEAT
SUITS; T-SHIRTS; WIND RESISTANT JACKETS, IN
CLASS 25 (U.S. CLS. 22 AND 39).

SN 78-899,100, FILED 6-2-2006.

FIRST USE 12-1-2005; IN COMMERCE 2-1-2007.

NAAKWAMA ANKRAH, EXAMINING ATTORNEY

Garan v. Manimal
Opp No. 91232774
Opposer's Testimony -
Kamiel Exhibit No. 1

Exhibit J

United States of America

United States Patent and Trademark Office

MANIMALS

Reg. No. 4,918,335

Registered Mar. 15, 2016

Int. Cl.: 25

TRADEMARK

PRINCIPAL REGISTER

THE MOUNTAIN CORPORATION (NEW HAMPSHIRE CORPORATION)
59 OPTICAL AVENUE
KEENE, NH 03431

FOR: CLOTHING, NAMELY, T-SHIRTS, DRESSES, JACKETS, SWEATSHIRTS, HOODED SHIRTS, TANK TOPS, HATS, CAPS, PANTS, SOCKS, POLO SHIRTS, LONG SLEEVE SHIRTS, TIES, FOOTWEAR AND APRONS, ALL NOT SIZED AND TARGETED TO INFANTS, TODDLERS OR PRESCHOOLERS, IN CLASS 25 (U.S. CLS. 22 AND 39).

FIRST USE 11-1-2010; IN COMMERCE 11-1-2010.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

SN 85-115,633, FILED 8-25-2010.

SUZANNE BLANE, EXAMINING ATTORNEY



Nichelle K. Lee

Director of the United States
Patent and Trademark Office

Garan v. Manimal
Opp No. 91232774
Opposer's Testimony -
Kamiel Exhibit No. J

Exhibit K

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

Opposer Information

Name	GARAN SERVICES CORP.
Granted to Date of previous extension	02/01/2012
Address	350 Fifth Avenue, 19th Floor New York, NY 10118 UNITED STATES
Attorney information	Robert L. Epstein and William C. Wright 60 East 42nd Street, Suite 2410 New York, NY 10165 UNITED STATES mail@ipcounselors.com

Applicant Information

Application No	85115633	Publication date	10/04/2011
Opposition Filing Date	02/01/2012	Opposition Period Ends	02/01/2012
Applicant	The Mountain Corporation 59 Optical Avenue Keene, NH 03431 UNITED STATES		

Goods/Services Affected by Opposition

Class 024. All goods and services in the class are opposed, namely: fabric flags; tapestries of textile; fleece blankets; blankets, namely, baby blankets, bed blankets, children's blankets and lap blankets
Class 025. All goods and services in the class are opposed, namely: clothing, namely, T-shirts, dresses, jackets, sweatshirts, hooded shirts, tank tops, hats, caps, pants, socks, polo shirts, long sleeve shirts, infant and toddler one piece clothing, cloth bibs, ties, footwear and aprons
Class 028. All goods and services in the class are opposed, namely: Puzzles, playing cards and skateboards


Grounds for Opposition

Priority and likelihood of confusion	Trademark Act section 2(d)
The mark is merely descriptive	Trademark Act section 2(e)(1)
Dilution	Trademark Act section 43(c)
Genericness	Trademark Act section 23

Garan v. Manimal
Opp No. 91232774
Opposer's Testimony -
Kamiel Exhibit No. K


Marks Cited by Opposer as Basis for Opposition


U.S. Registration No.	954125	Application Date	04/24/1972
Registration Date	02/27/1973	Foreign Priority Date	NONE
Word Mark	GARANIMAL		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class U039 (International Class 025). First use: First Use: 1972/03/28 First Use In Commerce: 1972/03/28 CHILDREN'S SHIRTS AND PANTS		

U.S. Registration No.	1393357	Application Date	10/07/1985
Registration Date	05/13/1986	Foreign Priority Date	NONE
Word Mark	GARANIMALS		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 025. First use: First Use: 1984/10/00 First Use In Commerce: 1984/10/00 CLOTHING -- NAMELY SHIRTS, PANTS, TOPS, COVERALLS, OVERALLS, SUNSUITS, JUMPERS, SMOCKS, BLOUSES, SHORTS, SKIRTS, JEANS, DRESSES, SUNDRESSES AND SWEATERS		


U.S. Registration No.	1393358	Application Date	10/07/1985
Registration Date	05/13/1986	Foreign Priority Date	NONE
Word Mark	GARANIMALS		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 025. First use: First Use: 1972/03/28 First Use In Commerce: 1972/03/28 CLOTHING -- NAMELY SHIRTS, PANTS, TOPS, COVERALLS, OVERALLS, SUNSUITS, JUMPERS, MOCKS, BLOUSES, SHORTS, SKIRTS, JEANS, DRESSES, SUNDRESSES, SWEATERS, SLEEPWEAR AND HOSIERY		


U.S. Registration	1162044	Application Date	02/13/1980
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No.			
Registration Date	07/21/1981	Foreign Priority Date	NONE
Word Mark	GARANIMALS		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 025. First use: First Use: 1979/10/04 First Use In Commerce: 1979/10/04 Clothing-Namely, Pants, Tops, Coveralls, Overalls, Sun Suits, Jumpers, Smocks, Shirts, Blouses, Shorts, Skirts and Jeans		


U.S. Registration No.	3803956	Application Date	09/16/2008
Registration Date	06/15/2010	Foreign Priority Date	NONE
Word Mark	GARANIMALS		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 025. First use: First Use: 2009/04/06 First Use In Commerce: 2009/04/06 Footwear		

U.S. Registration No.	3706928	Application Date	09/19/2007
Registration Date	11/03/2009	Foreign Priority Date	NONE
Word Mark	GARANIMALS		

Design Mark			
Description of Mark	The mark consists of the wording "GARANIMALS" with a paw print design appearing over the letter "I" and antenna appearing over the letter "L".		
Goods/Services	Class 025. First use: First Use: 2009/07/27 First Use In Commerce: 2009/07/27 Clothing, namely, tops and bottoms, sweatshirts, pants, jeans, sweatpants, shorts, leggings, Capris, dresses, hoods, creepers; and footwear, namely, shoes, boots, sandals, sneakers		

U.S. Registration No.	3823199	Application Date	09/18/2008
Registration Date	07/20/2010	Foreign Priority Date	NONE
Word Mark	GARANIMALS		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 028. First use: First Use: 2009/09/00 First Use In Commerce: 2009/09/00 Toys, games and playthings, namely, stuffed toys, plush toys, bean bag plush, puppets, toy plastic figures, plastic playsets for use in the bath or at the beach, plastic playsets, namely, plastic shape sorters, plastic stacking blocks, learning toys, pull toys, musical toys, board games, card games, matching games, puzzles, toy building blocks, toy soft blocks		

U.S. Registration No.	3994760	Application Date	09/19/2007
Registration Date	07/12/2011	Foreign Priority Date	NONE
Word Mark	GARANIMALS		

Design Mark	
Description of Mark	The mark consists of the wording "GARANIMALS" with a paw print design appearing over the letter "I", some whiskers appearing on the back of the third letter "A" and an antenna appearing over the letter "L".
Goods/Services	Class 025. First use: First Use: 2007/11/00 First Use In Commerce: 2007/11/00 Sweaters, jeans, bathing suits, swimwear, sleepwear, leotards, tights, rompers, underwear, hosiery, outerwear, namely, coats, jackets, scarves; headwear, namely, hats, earmuffs, ski masks; gloves, belts, socks

Attachments	73561825#TMSN.gif (1 page)(bytes) 73250046#TMSN.gif (1 page)(bytes) 77570759#TMSN.jpeg (1 page)(bytes) 77978022#TMSN.jpeg (1 page)(bytes) 77979530#TMSN.jpeg (1 page)(bytes) 77981916#TMSN.jpeg (1 page)(bytes) DOC020112garan-02012012133147.pdf (62 pages)(1166652 bytes)
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Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/William C. Wright/
Name	William C. Wright
Date	02/01/2012

In the Matter of Trademark Application for MANIMALS ,
Ser. No. 85115633, in the name of The Mountain Corporation

Opp. No. _____

1

continuous use in commerce in the United States on children's clothing since the 1970's.

4) Opposer is the owner of the entire right, title and interest in and to the trademark GARANIMALS for clothing; headwear; footwear; toys ("Opposer's Goods").

5) Opposer sells its clothing, headwear, footwear, and toys under the trademark GARANIMALS to adults for use by their children, the same consumers and end users that Applicant sells or will sell its clothing, namely, T-shirts, dresses, jackets, sweatshirts, hooded shirts, tank tops, hats, caps, pants, socks, polo shirts, long sleeve shirts, infant and toddler one piece clothing, cloth bibs, ties, footwear and aprons, and toys including puzzles, playing cards and skateboards bearing the trademark MANIMALS.

6) For many years and long prior to Applicant's filing date, Opposer has continuously used the trademark GARANIMALS in interstate commerce throughout the United States for the purpose of identifying Opposer's Goods and to distinguish those goods from the products of other manufacturers.

7) Ever since the adoption and use of the aforementioned trademark GARANIMALS, Opposer has widely and extensively supplied, distributed marketed and sold Opposer's Goods, bearing the trademark GARANIMALS. As a consequence of same, the consuming public and trade have come to recognize and do recognize the trademark GARANIMALS as being used by Opposer, or by a single source, and associate and identify the trademark GARANIMALS with Opposer or with a single source, and Opposer derives substantial goodwill and value from the aforesaid identification by the consuming public and trade.

8) By virtue of the long, continuous, and extensive use of the trademark GARANIMALS, said mark has become and is a famous trademark with respect to clothing, headwear, and footwear.

- 9) Opposer is the owner of the following U.S. Trademark registrations:
- a. GARANIMAL, Reg. No. 0954125, for "children's shirts and pants", dated February 27, 1973;
 - b. GARANIMALS and Design, Reg. No. 1393357, for "clothing -- namely shirts, pants, tops, coveralls, overalls, sunsuits, jumpers, smocks, blouses, shorts, skirts, jeans, dresses, sundresses and sweaters, dated May 13, 1986;
 - c. GARANIMALS, Reg. No. 1393358, for "clothing -- namely shirts, pants, tops, coveralls, overalls, sunsuits, jumpers, mock, blouses, shorts, skirts, jeans, dresses, sundresses, sweaters, sleepwear and hosiery, dated May 13, 1986;
 - d. GARANIMALS (Stylized), Reg. No. 1162044, for "clothing-namely, pants, tops, coveralls, overalls, sun suits, jumpers, smocks, shirts, blouses, shorts, skirts and jeans", dated July 21, 1981;
 - e. GARANIMALS, Reg. No. 3803956, for "footwear", dated June 15, 2010;
 - f. GARANIMALS and Design, Reg. No. 3706928, for "clothing, namely, tops and bottoms, sweatshirts, pants, jeans, sweatpants, shorts, leggings, capris, dresses, hoods, creepers; and footwear, namely, shoes, boots, sandals, sneakers, dated November 3, 2009;
 - g. GARANIMALS, Reg. No. 3823199, for "toys, games and playthings, namely, stuffed toys, plush toys, bean bag plush, puppets, toy plastic figures, plastic playsets for use in the bath or at the beach, plastic playsets, namely, plastic shape sorters, plastic stacking blocks, learning toys, pull toys, musical toys, board games, card games, matching games, puzzles, toy building blocks, toy soft blocks", dated July 20, 2010;

- h. GARANIMALS and Design, Reg. No. 3994760, for "sweaters, jeans, bathing suits, swimwear, sleepwear, leotards, tights, rompers, underwear, hosiery, outerwear, namely, coats, jackets, scarves; headwear, namely, hats, earmuffs, ski masks; gloves, belts, socks", dated July 12, 2011.

10) All of the above registrations are valid and subsisting and print-outs of these registrations from the US PTO database are enclosed herewith.

11) Applicant, The Mountain Corporation, upon information and belief, is a New Hampshire Corporation whose business address is 59 Optical Avenue, Keene, New Hampshire 03431.

12) On August 25, 2010, Applicant filed an ITU application to register the trademark MANIMALS, Serial No. 85115633, for "incense", in Class 3, "air fresheners", in Class 5, "keepsake boxes made of non-precious metal", in Class 6, "protective cases for portable electronic devices, namely, portable and handheld digital electronic devices for recording, organizing, transmitting, manipulating, and reviewing text, data, image, and audio files; decorative magnets and mousepads", in Class 9, "clocks" in Class 14, "permanent decals, removable decals, permanent stickers, removable stickers, posters, prints, greeting cards, blank journals, writing pads, photo albums, note cards, greeting cards, post cards, bookmarks, sketchbooks, calendars, appointment books, datebooks, address books, folders, binders, checks, business cards, stationery, keepsake boxes made of cardboard or paper and coasters made of paper or cardboard", in Class 16, "tote bags, messenger bags and backpacks", in Class 18, "pillows; keepsake boxes made of plastic; keepsake boxes made of wood", in Class 20, "mugs, water bottles made of plastic and aluminum, sold empty; drinkware, namely, drinking cups sold with lids therefor, drinking flasks, drinking glasses, drinking vessels, and drinking cups not of precious metal; micro

fiber cleaning cloths and coasters not made of paper and not being table linen", in Class 21, "fabric flags; tapestries of textile; fleece blankets; blankets, namely, baby blankets, bed blankets, children's blankets and lap blankets", in Class 24, "clothing, namely, t-shirts, dresses, jackets, sweatshirts, hooded shirts, tank tops, hats, caps, pants, socks, polo shirts, long sleeve shirts, infant and toddler one piece clothing, cloth bibs, ties, footwear and aprons", in Class 25, "decorative and novelty buttons", in Class 26, "puzzles, playing cards and skateboards", in Class 28, "lighters, namely, lighters for smokers, cigarette lighters of precious metal, and cigarette lighters not of precious metal", in Class 34

13) Opposer's trademark GARANIMALS, and Applicant's trademark MANIMALS, are confusingly similar in appearance, sound and meaning, and create confusingly similar commercial impressions, and are therefore likely to cause confusion, to cause mistake or to deceive potential purchasers as to the source of Applicant's products and/or likely to cause potential purchasers to mistakenly believe that Applicant or Applicant's products are affiliated with, sponsored by or associated with Opposer or Opposer's products.

GROUND I - LIKELIHOOD OF CONFUSION

14) Opposer hereby incorporates by reference the allegations of Paragraphs 1 through 13 hereof as if fully set forth herein.

15) Applicant's MANIMALS mark is confusingly similar with Opposer's trademark GARANIMALS and is likely to cause confusion, to cause mistake and to deceive potential purchasers as to the source of Applicant's products, with consequent injury to Opposer, the public, and the trade, and/or to cause the mistaken belief that Applicant's MANIMALS products originate with, are sponsored by and/or are affiliated with Opposer.

16) Opposer believes that it will be damaged if the trademark application for

MANIMALS, Serial No. 85115633, issues to registration because Applicant's trademark MANIMALS is confusingly similar to Opposer's trademark GARANIMALS, and Applicant's aforesaid mark is or will be used on products that are the same as, similar to, or commercially related to the products supplied and distributed by Opposer under the trademark GARANIMALS.

GROUND II

-

**DILUTION OF THE FAMOUS
GARANIMALS TRADEMARK**

17) Opposer hereby incorporates by reference the allegations of Paragraphs 1 through 16 as if fully set forth herein.

18) Because of the high degree of distinctiveness of the trademark GARANIMALS, the length of time and extent to which Opposer, has used said mark, the vast publicity the trademark GARANIMALS has received, the nationwide trading area in which the trademark GARANIMALS is used, and the high degree of consumer recognition of the trademark GARANIMALS, the trademark GARANIMALS is and has become a famous trademark pursuant to 15 U.S.C. §1125 (c)(1).

19) Registration of Applicant's trademark MANIMALS, Serial No. 85115633, for clothing, namely, T-shirts, dresses, jackets, sweatshirts, hooded shirts, tank tops, hats, caps, pants, socks, polo shirts, long sleeve shirts, infant and toddler one piece clothing, cloth bibs, ties, footwear and aprons, fabric flags; tapestries of textile; fleece blankets; blankets, namely, baby blankets, bed blankets, children's blankets and lap blankets toys including puzzles, playing cards and skateboards would lessen the capacity of Opposer's famous trademark GARANIMALS to identify and distinguish Opposer's products sold thereunder.

20) Opposer believes that it will be damaged if the trademark application for

MANIMALS, Serial No. 85115633, issues to registration, as Opposer's trademark GARANIMALS is a famous mark and the use and registration of MANIMALS by Applicant will and/or is likely to cause dilution of the distinctive quality of Opposer's famous trademark GARANIMALS and, as such, would cause dilution of the trademark GARANIMALS S in violation of 15 U.S.C. §1052, as amended by the Trademark Amendments Act of 1999, Pub. L. 106-43, 113 Stat. 218 (the "Act"), and 15 U.S.C. §§1125(c) and 1127.

GROUND III - MANIMALS IS GENERIC

21) Opposer hereby incorporates by reference the allegations of Paragraphs 1 through 20 hereof as if fully set forth herein.

22) A "manimal" is defined as "A fanciful life form that is part human and part beast; a creature recognizable as human but possessing physical or primitive behavioral characteristics that are exclusive to animals".

23) Upon information and belief, Applicant features or intends to feature a prominent rendering or image of "a fanciful life form that is part human and part beast; a creature recognizable as human but possessing physical or primitive behavioral characteristics that are exclusive to animals" on its clothing, namely, T-shirts, dresses, jackets, sweatshirts, hooded shirts, tank tops, hats, caps, pants, socks, polo shirts, long sleeve shirts, infant and toddler one piece clothing, cloth bibs, ties, footwear and aprons, fabric flags; tapestries of textile; fleece blankets; blankets, namely, baby blankets, bed blankets, children's blankets and lap blankets toys including puzzles, playing cards and skateboards.

24) The aforementioned rendering or image of a "manimal" is a key characteristic or feature of Applicant's clothing, namely, T-shirts, dresses, jackets, sweatshirts, hooded shirts, tank tops, hats, caps, pants, socks, polo shirts, long sleeve shirts, infant and toddler

one piece clothing, cloth bibs, ties, footwear and aprons, fabric flags; tapestries of textile; fleece blankets; blankets, namely, baby blankets, bed blankets, children's blankets and lap blankets toys including puzzles, playing cards and skateboards.

25) The term MANIMALS is generic for clothing, namely, T-shirts, dresses, jackets, sweatshirts, hooded shirts, tank tops, hats, caps, pants, socks, polo shirts, long sleeve shirts, infant and toddler one piece clothing, cloth bibs, ties, footwear and aprons, fabric flags; tapestries of textile; fleece blankets; blankets, namely, baby blankets, bed blankets, children's blankets and lap blankets toys including puzzles, playing cards and skateboards, cannot function as a mark, and is not entitled to registration.

26) In attempting to register a confusingly similar mark with the USPTO, a third party could attempt to rely on the registration of MANIMALS, a registration that should have never issued, to argue that the USPTO should also allow this third party's confusingly similar mark to issue over Opposer's aforementioned trademark registrations of GARANIMALS. As such, the issuance of the trademark MANIMALS is likely to cause irreparable loss, injury and damage to Opposer's business, to the extensive goodwill as symbolized by its aforementioned trademarks, and/or Opposer's ability to police and/or enforce its exclusive rights in and to its mark GARANIMALS.

GROUND IV

MANIMALS IS DESCRIPTIVE WITHOUT SECONDARY MEANING

27) Opposer hereby incorporates by reference the allegations of Paragraphs 1 through 26 hereof as if fully set forth herein.

28) Opposer asserts that Applicant's alleged mark MANIMALS is merely descriptive as applied to clothing, namely, T-shirts, dresses, jackets, sweatshirts, hooded shirts, tank

tops, hats, caps, pants, socks, polo shirts, long sleeve shirts, infant and toddler one piece clothing, cloth bibs, ties, footwear and aprons, fabric flags; tapestries of textile; fleece blankets; blankets, namely, baby blankets, bed blankets, children's blankets and lap blankets toys including puzzles, playing cards and skateboards.

29) The term "manimals" immediately describes a function, feature or characteristic Applicant's goods. Specifically, the term "manimals" immediately describes "a fanciful life form that is part human and part beast; a creature recognizable as human but possessing physical or primitive behavioral characteristics that are exclusive to animals" prominently found on Applicant's goods.

30) The term "manimals" as applied to clothing, namely, T-shirts, dresses, jackets, sweatshirts, hooded shirts, tank tops, hats, caps, pants, socks, polo shirts, long sleeve shirts, infant and toddler one piece clothing, cloth bibs, ties, footwear and aprons, fabric flags; tapestries of textile; fleece blankets; blankets, namely, baby blankets, bed blankets, children's blankets and lap blankets toys including puzzles, playing cards and skateboards has not acquired secondary meaning.

31) Because Applicant's alleged mark MANIMALS is merely descriptive without any evidence of secondary meaning it is not entitled to register on the Principal Register.

32) In attempting to register a confusingly similar mark with the USPTO, a third party could attempt to rely on the registration of MANIMALS, a registration that should have never issued, to argue that the USPTO should also allow this third party's confusingly similar mark to issue over Opposer's aforementioned trademark registrations of GARANIMALS. As such, the issuance of the trademark MANIMALS is likely to cause irreparable loss, injury and damage to Opposer's business, to the extensive goodwill as symbolized by its aforementioned trademarks, and/or Opposer's ability to police and/or

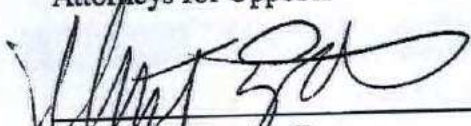
enforce its exclusive rights in and to its mark GARANIMALS.

WHEREFORE, Opposer requests that this opposition against the trademark application for MANIMALS, Serial No. 85115633, be sustained.

Respectfully submitted,
EPSTEIN DRANGEL LLP
Attorneys for Opposer

Dated: 2/1/2012

BY:

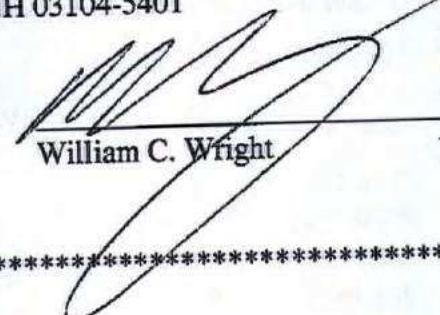

Robert L. Epstein, Esq.
William C. Wright, Esq.
One Grand Central Place
60 East 42nd Street, Suite 2410
New York, New York 10165
Tel. No.: (212) 292 5390
Fax. No.: (212) 292-5391

CERTIFICATE OF SERVICE

I hereby certify that a true and complete copy of the foregoing Notice of Opposition was served by First Class Mail, with sufficient postage prepaid, on this 1st day of February, 2012, upon Applicant's attorney:

DANIEL J. BOURQUE
BOURQUE & ASSOCIATES
835 HANOVER ST
MANCHESTER, NH 03104-5401

BY:


William C. Wright

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Word Mark	GARANIMAL
Goods and Services	IC 025. US 039. G & S: CHILDREN'S SHIRTS AND PANTS. FIRST USE: 19720328. FIRST USE IN COMMERCE: 19720328
Mark Drawing Code	(1) TYPED DRAWING
Serial Number	72422254
Filing Date	April 24, 1972
Current Filing Basis	1A
Original Filing Basis	1A
Registration Number	0954125
Registration Date	February 27, 1973
Owner	(REGISTRANT) GARAN, INCORPORATED CORPORATION VIRGINIA 366 5TH AVE. NEW YORK NEW YORK (LAST LISTED OWNER) GARAN SERVICES CORP. CORPORATION ASSIGNEE OF DELAWARE 350 Fifth Avenue, 19th Floor New York NEW YORK 10118
Assignment Recorded	ASSIGNMENT RECORDED
Attorney of Record	ROBERT L. EPSTEIN
Type of Mark	TRADEMARK
Register	PRINCIPAL
Affidavit Text	SECT 15. SECT 8 (6-YR). SECTION 8(10-YR) 20030304.
Renewal	2ND RENEWAL 20030304
Live/Dead Indicator	LIVE

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Serial Number: 72422254 Assignment Information Trademark Document Retrieval

Registration Number: 954125

Mark (words only): GARANIMAL

Standard Character claim: No

Current Status: The registration has been renewed.

Date of Status: 2003-03-04

Filing Date: 1972-04-24

Transformed into a National Application: No

Registration Date: 1973-02-27

Register: Principal

Law Office Assigned: (NOT AVAILABLE)

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

Current Location: 40S -Scanning On Demand

Date In Location: 2008-08-28

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. GARAN SERVICES CORP.

Address:

GARAN SERVICES CORP.
350 Fifth Avenue, 19th Floor
New York, NY 10118
United States

Legal Entity Type: Corporation

State or Country of Incorporation: Delaware

GOODS AND/OR SERVICES

U.S. Class: 039 (International Class 025)
Class Status: Active
CHILDREN'S SHIRTS AND PANTS
Basis: 1(a)
First Use Date: 1972-03-28
First Use in Commerce Date: 1972-03-28

ADDITIONAL INFORMATION

(NOT AVAILABLE)

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

NOTE: To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.

2011-03-18 - Applicant/Correspondence Changes (Non-Responsive) Entered

2011-03-18 - TEAS Change Of Owner Address Received

2008-08-28 - Case File In TIGRS

2003-03-04 - Second renewal 10 year

2003-03-04 - Section 8 (10-year) accepted/ Section 9 granted

2002-11-20 - Combined Section 8 (10-year)/Section 9 filed

2002-11-20 - PAPER RECEIVED

1993-03-10 - First renewal 10 year

1993-01-15 - Section 9 filed/check record for Section 8

1978-12-11 - Section 8 (6-year) accepted & Section 15 acknowledged

ATTORNEY/CORRESPONDENT INFORMATION

Attorney of Record
ROBERT L. EPSTEIN

Correspondent

ROBERT L. EPSTEIN
JAMES AND FRANKLIN
60 EAST 42ND STREET
SUITE 1217
NEW YORK, NY 10165



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Assignments on the Web > Trademark Query

Trademark Assignment Abstract of Title

Total Assignments: 1

Serial #: 72422254

Filing Dt: 04/24/1972

Reg #: 954125

Reg. Dt: 02/27/1973

Registrant: GARAN, INCORPORATED

Mark: GARANIMAL

Assignment: 1

Reel/Frame: 0765/0074

Received:

Recorded: 02/04/1991

Pages: 13

Conveyance: ASSIGNS THE ENTIRE INTEREST AND THE GOODWILL

Assignor: GARAN INCORPORATED

Exec Dt: 11/01/1990

Entity Type: CORPORATION

Citizenship: VIRGINIA

Entity Type: CORPORATION

Citizenship: DELAWARE

Assignee: GARAN SERVICES CORP

ONE COMMERCE CENTER, STE. 717

12TH AND ORANGE STREETS

WILMINGTON, DELAWARE 19801

Correspondent: JAMES AND FRANKLIN

ROBERT L. EPSTEIN

60 EAST 42ND STREET, STE. 1217

NEW YORK, NY 10165

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Garanimals**Word Mark**

GARANIMALS

Goods and Services

IC 025. US 039. G & S: CLOTHING - NAMELY SHIRTS, PANTS, TOPS, COVERALLS, OVERALLS, SUNSUITS, JUMPERS, SMOCKS, BLOUSES, SHORTS, SKIRTS, JEANS, DRESSES, SUNDRESSES AND SWEATERS. FIRST USE: 19841000. FIRST USE IN COMMERCE: 19841000

Mark Drawing Code

(3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS

Design Search Code

26.11.27 - Oblongs not used as carriers for words, letters or designs

Serial Number

73561825

Filing Date

October 7, 1985

Current Filing Basis

1A

Original Filing Basis

1A

Published for Opposition

February 18, 1986

Registration Number

1393357

Registration Date

May 13, 1986

Owner

(REGISTRANT) GARAN, INCORPORATED CORPORATION VIRGINIA 350 FIFTH AVENUE NEW YORK NEW YORK 10118

(LAST LISTED OWNER) GARAN SERVICES CORP. CORPORATION ASSIGNEE OF DELAWARE 350 Fifth Avenue, 19th Floor New York NEW YORK 10118

Assignment Recorded

ASSIGNMENT RECORDED

Attorney of Record Robert L. Epstein
Prior Registrations 0954125;1075095;1162044
Type of Mark TRADEMARK
Register PRINCIPAL
Affidavit Text SECT 15. SECT 8 (6-YR). SECTION 8(10-YR) 20060818.
Renewal 1ST RENEWAL 20060818
Live/Dead Indicator LIVE

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Serial Number: 73561825 Assignment Information

Trademark Document Retrieval

Registration Number: 1393357

Mark

Garanimals

(words only): GARANIMALS

Standard Character claim: No

Current Status: The registration has been renewed.

Date of Status: 2006-08-18

Filing Date: 1985-10-07

Transformed into a National Application: No

Registration Date: 1986-05-13

Register: Principal

Law Office Assigned: (NOT AVAILABLE)

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

Current Location: 40S -Scanning On Demand

Date In Location: 2008-06-05

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. GARAN SERVICES CORP.

Address:

GARAN SERVICES CORP.
350 Fifth Avenue, 19th Floor
New York, NY 10118
United States

Legal Entity Type: Corporation**State or Country of Incorporation:** Delaware

GOODS AND/OR SERVICES

International Class: 025**Class Status:** Active

CLOTHING -- NAMELY SHIRTS, PANTS, TOPS, COVERALLS, OVERALLS, SUNSUITS,
JUMPERS, SMOCKS, BLOUSES, SHORTS, SKIRTS, JEANS, DRESSES, SUNDRESSES AND
SWEATERS

Basis: 1(a)**First Use Date:** 1984-10-00**First Use in Commerce Date:** 1984-10-00

ADDITIONAL INFORMATION

Design Search Code(s):

26.11.27 - Oblongs not used as carriers for words, letters or designs

Prior Registration Number(s):

954125

1075095

1162044

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

NOTE: To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.

2011-03-18 - Applicant/Correspondence Changes (Non-Responsive) Entered

2011-03-18 - TEAS Change Of Owner Address Received

2008-06-05 - Case File In TIGRS

2006-08-18 - First renewal 10 year

2006-08-18 - Section 8 (10-year) accepted/ Section 9 granted
2006-08-09 - Assigned To Paralegal
2006-05-12 - Combined Section 8 (10-year)/Section 9 filed
2006-05-12 - TEAS Section 8 & 9 Received
1992-07-28 - Section 8 (6-year) accepted & Section 15 acknowledged
1992-05-11 - Section 8 (6-year) and Section 15 Filed
1986-05-13 - Registered - Principal Register
1986-02-18 - Published for opposition
1986-01-19 - Notice of publication
1985-12-17 - Approved for Pub - Principal Register (Initial exam)
1985-12-11 - Assigned To Examiner

ATTORNEY/CORRESPONDENT INFORMATION

Attorney of Record

Robert L. Epstein

Correspondent

Robert L. Epstein
Epstein Drangel Bazerman & James, LLP
60 East 42nd Street, Suite 820
New York, NY 10165



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Trademark Assignment Abstract of Title

Total Assignments: 1

Serial #: 73561825

Filing Dt: 10/07/1985

Reg #: 1393357

Reg. Dt: 05/13/1986

Registrant: GARAN, INCORPORATED

Mark: GARANIMALS

Assignment: 1

Reel/Frame: 0765/0074

Received:

Recorded: 02/04/1991

Pages: 13

Conveyance: ASSIGNS THE ENTIRE INTEREST AND THE GOODWILL

Assignor: GARAN INCORPORATED

Exec Dt: 11/01/1990

Entity Type: CORPORATION

Citizenship: VIRGINIA

Entity Type: CORPORATION

Citizenship: DELAWARE

Assignee: GARAN SERVICES CORP.

ONE COMMERCE CENTER, STE. 717

12TH AND ORANGE STREETS

WILMINGTON, DELAWARE 19801

Correspondent: JAMES AND FRANKLIN

ROBERT L. EPSTEIN

60 EAST 42ND STREET, STE. 1217

NEW YORK, NY 10165

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Word Mark	GARANIMALS
Goods and Services	IC 025. US 039. G & S: CLOTHING -- NAMELY SHIRTS, PANTS, TOPS, COVERALLS, OVERALLS, SUNSUITS, JUMPERS, MOCKS, BLOUSES, SHORTS, SKIRTS, JEANS, DRESSES, SUNDRESSES, SWEATERS, SLEEPWEAR AND HOSIERY. FIRST USE: 19720328. FIRST USE IN COMMERCE: 19720328
Mark Drawing Code	(1) TYPED DRAWING
Serial Number	73561869
Filing Date	October 7, 1985
Current Filing Basis	1A
Original Filing Basis	1A
Published for Opposition	February 18, 1986
Registration Number	1393358
Registration Date	May 13, 1986
Owner	(REGISTRANT) GARAN, INCORPORATED CORPORATION VIRGINIA 350 FIFTH AVENUE NEW YORK NEW YORK 10118 (LAST LISTED OWNER) GARAN SERVICES CORP. CORPORATION ASSIGNEE OF DELAWARE 350 Fifth Avenue, 19th Floor New York NEW YORK 10118
Assignment Recorded	ASSIGNMENT RECORDED
Attorney of Record	ROBERT L. EPSTEIN
Prior Registrations	0954125;1075095;1162044
Type of Mark	TRADEMARK

Register PRINCIPAL
Affidavit Text SECT 15. SECT 8 (6-YR). SECTION 8(10-YR) 20060818.
Renewal 1ST RENEWAL 20060818
Live/Dead Indicator LIVE

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Registration Number: 1393358

Mark (words only): GARANIMALS

Standard Character claim: No

Current Status: The registration has been renewed.

Date of Status: 2006-08-18

Filing Date: 1985-10-07

Transformed into a National Application: No

Registration Date: 1986-05-13

Register: Principal

Law Office Assigned: (NOT AVAILABLE)

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

Current Location: 40S -Scanning On Demand

Date In Location: 2008-06-13

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. GARAN SERVICES CORP.

Address:

GARAN SERVICES CORP.
350 Fifth Avenue, 19th Floor
New York, NY 10118
United States

Legal Entity Type: Corporation

State or Country of Incorporation: Delaware

GOODS AND/OR SERVICES

International Class: 025

Class Status: Active

CLOTHING -- NAMELY SHIRTS, PANTS, TOPS, COVERALLS, OVERALLS, SUNSUITS, JUMPERS, MOCKS, BLOUSES, SHORTS, SKIRTS, JEANS, DRESSES, SUNDRESSES, SWEATERS, SLEEPWEAR AND HOSIERY

Basis: 1(a)

First Use Date: 1972-03-28

First Use in Commerce Date: 1972-03-28

ADDITIONAL INFORMATION

Prior Registration Number(s):

954125

1075095

1162044

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

NOTE: To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.

2011-03-18 - Applicant/Correspondence Changes (Non-Responsive) Entered

2011-03-18 - TEAS Change Of Owner Address Received

2008-06-13 - Case File In TIGRS

2006-08-18 - First renewal 10 year

2006-08-18 - Section 8 (10-year) accepted/ Section 9 granted

2006-08-09 - Assigned To Paralegal

2006-05-12 - Combined Section 8 (10-year)/Section 9 filed

2006-05-12 - TEAS Section 8 & 9 Received

2004-05-05 - TEAS Change Of Correspondence Received

1992-07-28 - Section 8 (6-year) accepted & Section 15 acknowledged

1992-05-11 - Section 8 (6-year) and Section 15 Filed

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ONE COMMERCE CENTER, STE. 717

12TH AND ORANGE STREETS

WILMINGTON, DELAWARE 19801

Correspondent: JAMES AND FRANKLIN

ROBERT L. EPSTEIN

60 EAST 42ND STREET, STE. 1217

NEW YORK, NY 10165

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Garanimals

Word Mark
Goods and
Services

GARANIMALS

IC 025. US 039. G & S: Clothing-Namely, Pants, Tops, Coveralls, Overalls, Sun Suits, Jumpers, Smocks, Shirts, Blouses, Shorts, Skirts and Jeans. FIRST USE: 19791004. FIRST USE IN COMMERCE: 19791004

Mark Drawing
Code

(5) WORDS, LETTERS, AND/OR NUMBERS IN STYLIZED FORM

Serial Number

73250046

Filing Date

February 13, 1980

Current Filing
Basis

1A

Original Filing
Basis

1A

Published for
Opposition

April 28, 1981

Registration
Number

1162044

Registration Date

July 21, 1981

Owner

(REGISTRANT) Garan, Incorporated CORPORATION VIRGINIA 350 5th Ave. New York NEW YORK 10118

(LAST LISTED OWNER) GARAN SERVICES CORP CORPORATION BY ASSIGNMENT DELAWARE 350 Fifth Avenue, 19th Floor New York NEW YORK 10118

Assignment
Recorded

ASSIGNMENT RECORDED

Attorney of
Record

HAROLD JAMES

Prior Registrations	0954125;1075095
Type of Mark	TRADEMARK
Register	PRINCIPAL
Affidavit Text	SECT 15. SECT 8 (6-YR). SECTION 8(10-YR) 20110813.
Renewal	2ND RENEWAL 20110813
Live/Dead Indicator	LIVE

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Serial Number: 73250046 Assignment Information

Trademark Document Retrieval

Registration Number: 1162044

Mark

Garanimals

(words only): GARANIMALS

Standard Character claim: No

Current Status: The registration has been renewed.

Date of Status: 2011-08-13

Filing Date: 1980-02-13

Transformed into a National Application: No

Registration Date: 1981-07-21

Register: Principal

Law Office Assigned: (NOT AVAILABLE)

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

Current Location: (NOT AVAILABLE)

Date In Location: 2011-08-13

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. GARAN SERVICES CORP

Address:

GARAN SERVICES CORP
350 Fifth Avenue, 19th Floor
New York, NY 10118
United States

Legal Entity Type: Corporation**State or Country of Incorporation:** Delaware

GOODS AND/OR SERVICES**International Class:** 025**Class Status:** Active

Clothing-Namely, Pants, Tops, Coveralls, Overalls, Sun Suits, Jumpers, Smocks, Shirts, Blouses, Shorts, Skirts and Jeans

Basis: 1(a)**First Use Date:** 1979-10-04**First Use in Commerce Date:** 1979-10-04

ADDITIONAL INFORMATION**Prior Registration Number(s):**

1075095

9541250

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

NOTE: To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.

2011-08-13 - Second renewal 10 year

2011-08-13 - Section 8 (10-year) accepted/ Section 9 granted

2011-08-12 - Case Assigned To Post Registration Paralegal

2011-06-06 - TEAS Section 8 & 9 Received

2011-03-18 - Applicant/Correspondence Changes (Non-Responsive) Entered

2011-03-18 - TEAS Change Of Owner Address Received

2009-03-16 - Case File In TIGRS

2001-05-16 - First renewal 10 year

2001-05-16 - Section 8 (10-year) accepted/ Section 9 granted

2001-01-29 - Combined Section 8 (10-year)/Section 9 filed

1987-01-12 - Section 8 (6-year) accepted & Section 15 acknowledged

1986-09-08 - Section 8 (6-year) and Section 15 Filed

1981-07-21 - Registered - Principal Register

1981-04-28 - Published for opposition

ATTORNEY/CORRESPONDENT INFORMATION

Attorney of Record

HAROLD JAMES

Correspondent

HAROLD JAMES

Epstein Drangel LLP

60 E 42ND ST STE 1217

NEW YORK CITY, NY 10165

Phone Number: (212) 292-5390

Fax Number: (212) 292-5391

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ONE COMMERCE CENTER, STE. 717

12TH AND ORANGE STREETS

WILMINGTON, DELAWARE 19801

Correspondent: JAMES AND FRANKLIN

ROBERT L. EPSTEIN

60 EAST 42ND STREET, STE. 1217

NEW YORK, NY 10165

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Record 1 out of 1

[TARR Status](#)[ASSIGN Status](#)[TDR](#)[TTAB Status](#)

(Use the "Back" button of the Internet

Browser to return to TESS)

GARANIMALS

Word Mark	GARANIMALS
Goods and Services	IC 025. US 022 039. G & S: Footwear. FIRST USE: 20090406. FIRST USE IN COMMERCE: 20090406
Standard Characters Claimed	
Mark Drawing Code	(4) STANDARD CHARACTER MARK
Serial Number	77570759
Filing Date	September 16, 2008
Current Filing Basis	1A
Original Filing Basis	1B
Published for Opposition	July 14, 2009
Registration Number	3803956
Registration Date	June 15, 2010
Owner	(REGISTRANT) GARAN SERVICES CORP. CORPORATION DELAWARE 350 Fifth Avenue, 19th Floor New York NEW YORK 10118
Attorney of Record	Robert L. Epstein
Prior Registrations	1162044;1393357;1393358;AND OTHERS
Type of Mark	TRADEMARK
Register	PRINCIPAL
Live/Dead Indicator	LIVE

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Serial Number: 77570759 Assignment Information

Trademark Document Retrieval

Registration Number: 3803956

Mark

GARANIMALS

(words only): GARANIMALS

Standard Character claim: Yes

Current Status: Registered. The registration date is used to determine when post-registration maintenance documents are due.

Date of Status: 2010-06-15

Filing Date: 2008-09-16

Transformed into a National Application: No

Registration Date: 2010-06-15

Register: Principal

Law Office Assigned: LAW OFFICE 103

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

Current Location: 650 -Publication And Issue Section

Date In Location: 2010-05-12

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. GARAN SERVICES CORP.

Address:

GARAN SERVICES CORP.
350 Fifth Avenue, 19th Floor
New York, NY 10118
United States

Legal Entity Type: Corporation**State or Country of Incorporation:** Delaware

GOODS AND/OR SERVICES

International Class: 025**Class Status:** Active

Footwear

Basis: 1(a)**First Use Date:** 2009-04-06**First Use in Commerce Date:** 2009-04-06

ADDITIONAL INFORMATION

Prior Registration Number(s):

1162044

1393357

1393358

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

NOTE: To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.

2011-03-18 - Applicant/Correspondence Changes (Non-Responsive) Entered

2011-03-18 - TEAS Change Of Owner Address Received

2010-06-15 - Registered - Principal Register

2010-05-13 - Notice Of Acceptance Of Statement Of Use E-Mailed

2010-05-12 - Law Office Registration Review Completed

2010-05-11 - Allowed for Registration - Principal Register (SOU accepted)

2010-04-20 - Statement Of Use Processing Complete
2010-04-05 - Use Amendment Filed
2010-04-20 - Case Assigned To Intent To Use Paralegal
2010-04-05 - TEAS Statement of Use Received
2009-10-06 - NOA Mailed - SOU Required From Applicant
2009-07-14 - Published for opposition
2009-06-24 - Notice of publication
2009-06-11 - Law Office Publication Review Completed
2009-06-10 - Approved For Pub - Principal Register
2009-06-08 - Teas/Email Correspondence Entered
2009-06-08 - Communication received from applicant
2009-06-08 - Assigned To LIE
2009-06-05 - TEAS Response to Office Action Received
2008-12-17 - Notification Of Non-Final Action E-Mailed
2008-12-17 - Non-final action e-mailed
2008-12-17 - Non-Final Action Written
2008-12-17 - Assigned To Examiner
2008-09-20 - Notice Of Pseudo Mark Mailed
2008-09-19 - New Application Entered In Tram

ATTORNEY/CORRESPONDENT INFORMATION

Attorney of Record
Robert L. Epstein

Correspondent
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60 E 42ND ST RM 820
NEW YORK, NY 10165-0808

Phone Number: 212-292-5390

Fax Number: 212-292-5391



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For Serial Number: 77570759

If you have any comments or questions concerning the data displayed, contact PRD / Assignments at 571-272-3350. v2.3
Web interface last modified: Dec 1, 2011 v2.3

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Trademarks > Trademark Electronic Search System (TESS)

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Garanimals

Word Mark	GARANIMALS
Goods and Services	IC 025. US 022 039. G & S: Clothing, namely, tops and bottoms, sweatshirts, pants, jeans, sweatpants, shorts, leggings, Capris, dresses, hoods, creepers; and footwear, namely, shoes, boots, sandals, sneakers. FIRST USE: 20090727. FIRST USE IN COMMERCE: 20090727
Mark Drawing Code	(3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS
Design Search Code	03.13.01 - Feet, animal; Foot prints, nonhuman; Paws and paw prints 27.03.03 - Animals forming letters or numerals
Trademark Search Facility Classification Code	ANI-MISC Part of the animals including animal bones, horns, claws, shells, eyes, coral, paws, eggs, feathers, hides or skins
Serial Number	77978022
Filing Date	September 19, 2007
Current Filing Basis	1A
Original Filing Basis	1B
Published for Opposition	August 5, 2008
Registration Number	3706928
Registration Date	November 3, 2009
Owner	(REGISTRANT) GARAN SERVICES CORP. CORPORATION DELAWARE 350 Fifth Avenue, 19th Floor New York NEW YORK 10118

Attorney of Record Robert L. Epstein

Prior Registrations 1162044;1393357;1393358;AND OTHERS

Description of Mark Color is not claimed as a feature of the mark. The mark consists of the wording "GARANIMALS" with a paw print design appearing over the letter "I" and antenna appearing over the letter "L".

Type of Mark TRADEMARK

Register PRINCIPAL

Live/Dead Indicator LIVE

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Serial Number: 77978022 Assignment Information

Trademark Document Retrieval

Registration Number: 3706928

Mark

Garanimals

(words only): GARANIMALS

Standard Character claim: No

Current Status: Registered. The registration date is used to determine when post-registration maintenance documents are due.

Date of Status: 2009-11-03

Filing Date: 2007-09-19

Transformed into a National Application: No

Registration Date: 2009-11-03

Register: Principal

Law Office Assigned: LAW OFFICE 112

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

Current Location: 650 -Publication And Issue Section

Date In Location: 2009-09-29

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. GARAN SERVICES CORP.

Address:

GARAN SERVICES CORP.
350 Fifth Avenue, 19th Floor
New York, NY 10118
United States

Legal Entity Type: Corporation**State or Country of Incorporation:** Delaware

GOODS AND/OR SERVICES

International Class: 025**Class Status:** Active

Clothing, namely, tops and bottoms, sweatshirts, pants, jeans, sweatpants, shorts, leggings, Capris, dresses, hoods, creepers; and footwear, namely, shoes, boots, sandals, sneakers

Basis: 1(a)**First Use Date:** 2009-07-27**First Use in Commerce Date:** 2009-07-27

ADDITIONAL INFORMATION

Color(s) Claimed: Color is not claimed as a feature of the mark.**Description of Mark:** The mark consists of the wording "GARANIMALS" with a paw print design appearing over the letter "I" and antenna appearing over the letter "L".**Design Search Code(s):****03.13.01** - Feet, animal; Foot prints, nonhuman; Paws and paw prints**27.03.03** - Animals forming letters or numerals**Prior Registration Number(s):**

1162044

1393357

1393358

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

NOTE: To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.

2011-03-18 - Applicant/Correspondence Changes (Non-Responsive) Entered

2011-03-18 - TEAS Change Of Owner Address Received
2009-11-03 - Registered - Principal Register
2009-09-29 - Law Office Registration Review Completed
2009-09-28 - Allowed for Registration - Principal Register (SOU accepted)
2009-09-26 - Notice Of Design Search Code And Pseudo Mark Mailed
2009-09-25 - Statement Of Use Processing Complete
2009-09-03 - Use Amendment Filed
2009-09-25 - Divisional processing completed
2009-09-03 - Divisional request received
2009-09-03 - PAPER RECEIVED
2009-06-09 - Extension 1 granted
2009-04-28 - Extension 1 filed
2009-06-04 - Case Assigned To Intent To Use Paralegal
2009-05-11 - Extension Received With TEAS Petition
2009-05-11 - Petition To Revive-Granted
2009-05-11 - TEAS Petition To Revive Received
2008-10-28 - NOA Mailed - SOU Required From Applicant
2008-08-05 - Published for opposition
2008-07-16 - Notice of publication
2008-07-03 - Law Office Publication Review Completed
2008-06-30 - Approved For Pub - Principal Register
2008-06-30 - Examiner's Amendment Entered
2008-06-30 - Notification Of Examiners Amendment E-Mailed
2008-06-30 - EXAMINERS AMENDMENT E-MAILED
2008-06-30 - Examiners Amendment -Written

2008-06-27 - Teas/Email Correspondence Entered
2008-06-27 - Communication received from applicant
2008-06-25 - Assigned To LIE
2008-06-25 - TEAS Response to Office Action Received
2007-12-27 - Notification Of Non-Final Action E-Mailed
2007-12-27 - Non-final action e-mailed
2007-12-27 - Non-Final Action Written
2007-12-21 - Assigned To Examiner
2007-09-25 - Notice Of Design Search Code Mailed
2007-09-24 - New Application Entered In Tram

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60 EAST 42ND STREET, SUITE 820
NEW YORK, NY 10165
Phone Number: 212-292-5390
Fax Number: 212-292-5391



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For Serial Number: 77978022

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GARANIMALS

Word Mark
Goods and
Services

GARANIMALS

IC 028. US 022 023 038 050. G & S: Toys, games and playthings, namely, stuffed toys, plush toys, bean bag plush, puppets, toy plastic figures, plastic playsets for use in the bath or at the beach, plastic playsets, namely, plastic shape sorters, plastic stacking blocks, learning toys, pull toys, musical toys, board games, card games, matching games, puzzles, toy building blocks, toy soft blocks. FIRST USE: 20090900. FIRST USE IN COMMERCE: 20090900

Standard
Characters
ClaimedMark Drawing
Code

(4) STANDARD CHARACTER MARK

Serial Number

77979530

Filing Date

September 18, 2008

Current Filing
Basis

1A

Original Filing
Basis

1B

Published for
Opposition

July 21, 2009

Registration
Number

3823199

Registration
Date

July 20, 2010

Owner

(REGISTRANT) GARAN SERVICES CORP. CORPORATION DELAWARE 350 Fifth Avenue, 19th Floor New York NEW YORK 10118

Attorney of
Record

Robert L. Epstein

Prior Registrations 1162044;1393357;1393358;AND OTHERS
Type of Mark TRADEMARK
Register PRINCIPAL
Live/Dead Indicator LIVE

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Serial Number: 77979530 Assignment Information

Trademark Document Retrieval

Registration Number: 3823199

Mark

GARANIMALS

(words only): GARANIMALS

Standard Character claim: Yes

Current Status: Registered. The registration date is used to determine when post-registration maintenance documents are due.

Date of Status: 2010-07-20

Filing Date: 2008-09-18

Transformed into a National Application: No

Registration Date: 2010-07-20

Register: Principal

Law Office Assigned: LAW OFFICE 103

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

Current Location: 650 -Publication And Issue Section

Date In Location: 2010-06-11

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. GARAN SERVICES CORP.

Address:

GARAN SERVICES CORP.
350 Fifth Avenue, 19th Floor
New York, NY 10118
United States

Legal Entity Type: Corporation**State or Country of Incorporation:** Delaware

GOODS AND/OR SERVICES

International Class: 028**Class Status:** Active

Toys, games and playthings, namely, stuffed toys, plush toys, bean bag plush, puppets, toy plastic figures, plastic playsets for use in the bath or at the beach, plastic playsets, namely, plastic shape sorters, plastic stacking blocks, learning toys, pull toys, musical toys, board games, card games, matching games, puzzles, toy building blocks, toy soft blocks

Basis: 1(a)**First Use Date:** 2009-09-00**First Use in Commerce Date:** 2009-09-00

ADDITIONAL INFORMATION

Prior Registration Number(s):

1162044

1393357

1393358

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

NOTE: To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.

2010-07-20 - Registered - Principal Register

2010-06-12 - Notice Of Acceptance Of Statement Of Use E-Mailed

2010-06-11 - Law Office Registration Review Completed

2010-06-11 - Assigned To LIE

2010-05-27 - Allowed for Registration - Principal Register (SOU accepted)

2010-05-07 - Notice Of Pseudo Mark Mailed
 2010-05-06 - Statement Of Use Processing Complete
 2010-04-13 - Use Amendment Filed
 2010-05-06 - Divisional processing completed
 2010-04-13 - Divisional request received
 2010-04-30 - Case Assigned To Intent To Use Paralegal
 2010-04-13 - TEAS Request To Divide Received
 2010-04-13 - TEAS Statement of Use Received
 2009-10-13 - NOA Mailed - SOU Required From Applicant
 2009-07-21 - Published for opposition
 2009-07-01 - Notice of publication
 2009-06-12 - Law Office Publication Review Completed
 2009-06-09 - Assigned To LIE
 2009-06-08 - Approved For Pub - Principal Register
 2009-06-05 - Teas/Email Correspondence Entered
 2009-06-05 - Communication received from applicant
 2009-06-05 - TEAS Response to Office Action Received
 2008-12-17 - Notification Of Non-Final Action E-Mailed
 2008-12-17 - Non-final action e-mailed
 2008-12-17 - Non-Final Action Written
 2008-12-17 - Assigned To Examiner
 2008-09-23 - Notice Of Pseudo Mark Mailed
 2008-09-22 - New Application Entered In Tram

ATTORNEY/CORRESPONDENT INFORMATION

Attorney of Record

Robert L. Epstein

Correspondent

ROBERT L. EPSTEIN

EPSTEIN DRANGEL BAZERMAN & JAMES, LLP

60 E 42ND ST RM 820

NEW YORK, NY 10165-0808

Phone Number: 212-292-5390

Fax Number: 212-292-5391



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Garanimals

Word Mark	GARANIMALS
Goods and Services	IC 025. US 022 039. G & S: Sweaters, jeans, bathing suits, swimwear, sleepwear, leotards, tights, rompers, underwear, hosiery, outerwear, namely, coats, jackets, scarves; headwear, namely, hats, earmuffs, ski masks; gloves, belts, socks. FIRST USE: 20071100. FIRST USE IN COMMERCE: 20071100
Mark Drawing Code	(3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS
Design Search Code	03.13.01 - Feet, animal; Foot prints, nonhuman; Paws and paw prints 27.03.03 - Animals forming letters or numerals
Serial Number	77981916
Filing Date	September 19, 2007
Current Filing Basis	1A
Original Filing Basis	1B
Published for Opposition	August 5, 2008
Registration Number	3994760
Registration Date	July 12, 2011
Owner	(REGISTRANT) GARAN SERVICES CORP. CORPORATION DELAWARE 60 E. 42nd Street; Suite 2410 350 Fifth Avenue, 19th Floor New York NEW YORK 10118
Attorney of Record	Robert L. Epstein
Prior Registrations	1162044;1393357;1393358;AND OTHERS

Description of Mark	Color is not claimed as a feature of the mark. The mark consists of the wording "GARANIMALS" with a paw print design appearing over the letter "I", some whiskers appearing on the back of the third letter "A" and an antenna appearing over the letter "L".
Type of Mark	TRADEMARK
Register	PRINCIPAL
Live/Dead Indicator	LIVE

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Serial Number: 77981916 Assignment Information

Trademark Document Retrieval

Registration Number: 3994760

Mark

Garanimals

(words only): GARANIMALS

Standard Character claim: No

Current Status: Registered. The registration date is used to determine when post-registration maintenance documents are due.

Date of Status: 2011-07-12

Filing Date: 2007-09-19

Transformed into a National Application: No

Registration Date: 2011-07-12

Register: Principal

Law Office Assigned: LAW OFFICE 112

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

Current Location: 650 -Publication And Issue Section

Date In Location: 2011-06-03

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. GARAN SERVICES CORP.

Address:

GARAN SERVICES CORP.

60 E. 42nd Street; Suite 2410 350 Fifth Avenue, 19th Floor
New York, NY 10118

United States

Legal Entity Type: Corporation**State or Country of Incorporation:** Delaware**Phone Number:** 2122925390**Fax Number:** 2122925391

GOODS AND/OR SERVICES

International Class: 025**Class Status:** Active

Sweaters, jeans, bathing suits, swimwear, sleepwear, leotards, tights, rompers, underwear, hosiery, outerwear, namely, coats, jackets, scarves; headwear, namely, hats, earmuffs, ski masks; gloves, belts, socks

Basis: 1(a)**First Use Date:** 2007-11-00**First Use in Commerce Date:** 2007-11-00

ADDITIONAL INFORMATION

Color(s) Claimed: Color is not claimed as a feature of the mark.**Description of Mark:** The mark consists of the wording "GARANIMALS" with a paw print design appearing over the letter "I", some whiskers appearing on the back of the third letter "A" and an antenna appearing over the letter "L".**Design Search Code(s):****03.13.01** - Feet, animal; Foot prints, nonhuman; Paws and paw prints**27.03.03** - Animals forming letters or numerals**Prior Registration Number(s):**

1162044

1393357

1393358

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

NOTE: To view any document referenced below, click on the link to "Trademark Document

Retrieval" shown near the top of this page.

2011-07-12 - Registered - Principal Register
2011-06-04 - Notice Of Acceptance Of Statement Of Use E-Mailed
2011-06-03 - Law Office Registration Review Completed
2011-06-02 - Assigned To LIE
2011-05-17 - Assigned To LIE
2011-05-16 - Assigned To LIE
2011-04-29 - Allowed for Registration - Principal Register (SOU accepted)
2011-04-29 - Notice Of Design Search Code And Pseudo Mark Mailed
2011-04-28 - Statement Of Use Processing Complete
2011-04-25 - Use Amendment Filed
2011-04-28 - Divisional processing completed
2011-04-25 - Divisional request received
2011-04-25 - TEAS Request To Divide Received
2011-04-25 - TEAS Statement of Use Received
2011-04-25 - TEAS Change Of Correspondence Received
2010-10-26 - Notice Of Approval Of Extension Request E-Mailed
2010-10-25 - Extension 4 granted
2010-10-23 - Extension 4 filed
2010-10-23 - TEAS Extension Received
2010-04-20 - Notice Of Approval Of Extension Request E-Mailed
2010-04-19 - Extension 3 granted
2010-04-16 - Extension 3 filed
2010-04-16 - TEAS Extension Received
2009-09-25 - Extension 2 granted

2007-12-27 - Non-final action e-mailed
2007-12-27 - Non-Final Action Written
2007-12-21 - Assigned To Examiner
2007-09-25 - Notice Of Design Search Code Mailed
2007-09-24 - New Application Entered In Tram

ATTORNEY/CORRESPONDENT INFORMATION

Attorney of Record

Robert L. Epstein

Correspondent

ROBERT L. EPSTEIN

Epstein Drangel LLP

60 East 42nd Street, Suite 2410

NEW YORK NY 10165

Phone Number: (212) 292-5390

Fax Number: (212) 292-5391



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For Serial Number: 77981916

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